

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

May 19, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, May 19, 2016 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: David Dennis, Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Joe Johnson; John McKay Jr. Debra Miller Stevens; Lowell Richardson and John Todd. Members absent were: Matt Goolsby; Carol Neugent; Bill Ramsey and Chuck Warren. Staff members present were: Dale Miller, Director; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Administrative Supervisor; Sharon Dickgrafe, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. There were no minutes for approval.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2015-00047: Revised One-Step Final Plat – SHOCKER ADDITION**, located north of 29th Street North, west of Arkansas.

NOTE: This is an unplatted site located within the City of Wichita. The site has been approved for a zone change (ZON2015-00009) from Single-Family Residential (SF-5) to Two-Family Residential (TF-3). A conditional use (CON2015-00008) was approved to allow multi-family residential density.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) to serve all lots and extend sewer (laterals) to serve all lots. A utility plan is requested for water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the concept plan.
- D. The drainage and utility easement needs revised to a “street, sidewalk, drainage and utility easement” which is required adjoining a narrow 32-foot street right of way.
- E. The platlor’s text shall include language that the street, sidewalk, drainage and utility easement is hereby granted as indicated for street, sidewalk and drainage purposes and for the construction and maintenance of all public utilities.
- F. The platlor’s text references sewer easements not shown on the face of the plat.

- G. The applicant shall guarantee the paving of the proposed street. For the narrow public 32-foot street, this guarantee shall be for the 29-foot paving standard.
- H. The streets adjoining the plat (Mascot and Shelton) to the north shall be labelled.
- I. County Surveying requests a distance added on the north lines of Lots 5 and 6, Block 1.
- J. County Surveying requests a bearing added along the north line of Reserve A.
- K. County Surveying requests the addition of the delta for the curve with the 20-foot radius.
- L. County Surveying requests that in the legal description "except the south 30 feet for street right of way" needs removed and the 30-foot street dedication labelled.
- M. The owner's signature needs corrected to Christopher J. Lee.
- N. The notary under the owner's certificate needs corrected to "on behalf of the Company".
- O. Since this plat proposes the platting of narrow street right of way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- P. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- Q. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- R. GIS has approved the street name.
- S. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- T. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly installed, permitted and inspected.

- U. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- V. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- W. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- X. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Y. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- Z. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- AA. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- BB. Perimeter closure computations shall be submitted with the final plat tracing.
- CC. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- DD. Westar Energy has advised that no additional easements will be needed if the front lot 15-foot drainage and utility easement is platted as that easement is needed to provide service. Heide Bryan, Subdivision Representative will be the contact for this plat. She can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

EE. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **JOHNSON** seconded the motion, and it carried (10-0).

2-2. INFORMATIONAL ITEM: Amendment to Subdivision Regulations, Plats with Non-Contiguous Blocks.

At the Subdivision Committee of May 12, 2016, the Subdivision Committee reviewed the attached memo. They voted 5-0 to retain the current policy on plats and not amend the Subdivision Regulations. Plats with non-contiguous blocks would continue to be permitted.

SUBJECT: Amendment to Subdivision Regulations – Plats with Non-Contiguous Blocks

At the Planning Commission Meeting of April 21, 2016, MAPD was directed by the Planning Commission to draft an amendment regarding subdivisions containing blocks which are not contiguous.

Law Review

County Law has reviewed the issue and Kansas Statutes regarding subdivisions does not include any provisions a) requiring blocks in a plat to be contiguous or b) imposing a maximum distance between blocks.

Subdivision Regulations from other Cities/Counties

Staff conducted a sampling of subdivision regulations in other localities and could not locate any subdivision codes which addressed plats with disconnected blocks.

Frequency of Plats with Non-Contiguous Blocks

At the 4/21/16 MAPC Meeting, MAPD Staff discussed four plats containing fragmented blocks:

C & M Winter Addition – 375-foot separation
Hedge Acres – 215 feet
Cummings Estates – 1000 feet
Hole-in-One Holstein – 1700 feet

Staff involvement with such plats is not common and one local surveyor estimates these types of subdivisions are less than .1% (letter attached). The surveyor also states that these type of subdivisions has not caused any confusion and believes an amendment to the Subdivision Regulations would be unnecessary.

City/County Staff

No members of City or County staff expressed any issues that have developed with these types of disjointed plats. The County Clerk's Office also explained they have no issues with these plats.

MAPD Recommendation

There would appear to be several situations whereby a plat containing non-contiguous blocks may be justified (e.g. phased development, developable lots along perimeter of a non-developable land, replat containing disparate sites, etc). If it is determined that an amendment is necessary, the following may be considered:

"7-203. Blocks. (F) The property being developed shall include blocks that are encouraged to be contiguous and should not be separated unless they were originally part of the same parent tract, in which case the blocks shall not be separated by a distance greater than 5,280 feet."

VICE CHAIR DENNIS asked legal counsel if the Commission needed to have a formal vote on the Informational Item under the Subdivision Agenda.

JUSTIN WAGGONER, ASSISTANT COUNTY COUNSELOR commented since the Commission asked staff to review and bring forward a policy, he suggested hearing the item and voting on it.

TODD clarified that staff has no problem with non-contiguous plats.

MOTION: To retain the current policy on non-contiguous platting subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **TODD** seconded the motion, and it carried (10-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2016-00004: City request to vacate a portion of the Minnesota public street right of way, located east of I-135 and north of 1st Street.

<u>APPLICANT:</u>	Import Auto Center, Inc., Peter A & Sarah J Langenwalter Living Trust (applicants), Kaw Valley Engineering, co Tim Austin
<u>LEGAL DESCRIPTION:</u>	Generally described as vacating the south approximately 236 feet of the North Minnesota public street right of way, Wichita, Sedgwick County, Kansas
<u>LOCATION:</u>	Generally located east of North Interstate Highway I-135 and north of East 1st Street (WCC I)
<u>REASON FOR REQUEST:</u>	Move cul-de-sac further north
<u>CURRENT ZONING:</u>	Abutting and adjacent properties are zoned LC Limited Commercial and B Multi-Family Residential

The applicants are requesting the vacation of the south approximately 236 feet of the North Minnesota Street public right of way. This portion of Minnesota Street does not intersect with East 1st Street at this location, but ends as a cul-de-sac north of 1st Street. The applicants propose to rebuild the cul-de-sac, which means a portion of the proposed new cul-de-sac will be located on their northmost property, this will require the dedication of public street right of way. The applicant proposes the reconstructed cul-de-sac will be per Subdivision Standards. There is a sidewalk located on the north end of the cul-de-sac that runs to 2nd Street. There is a water line, water valve, stormwater line and stormwater inlets locate in the cul-de-sac and the length of Minnesota Street. Westar has no equipment in the area of the vacation and has no objection to this request, as condition # 7 will covers Westar. Becky Thompson is the Construction Services Representative for the Northeast area and can be contacted at 261-6320 for questions concerning Westar equipment. The applicant currently has access/a drive onto Minnesota Street, located just above the radius of the cul-de-sac. Vacation of the right of way be will not deny any properties access to public street right of way and will not change traffic patterns.

Minnesota Street was originally platted as part of the Minneapolis Addition, which was recorded June 9, 1886. The west, abutting section of I-135 was constructed between 1971 and 1978. The construction of I-135 required addition right of way and re-routed Minnesota Street. An I-135 frontage road runs parallel to the west side of this portion of Minnesota. The applicant is proposing an expansion of his auto repair business, which the vacation of Minnesota will facilitate.

NOTE: This case was deferred at the March 10, 2016, SD meeting. The applicant requested the deferral so that VAC2016-00004 could be considered at the May 19, 2016, MAPC meeting, which is the same date as his request, for a zone change from B Multi-family Residential (B) to LC Limited Commercial (LC) and an associated Conditional Use for car sales on portions of the property; ZON2016-00008 and CON2016-00009. The proposed vacated Minnesota right of way will used for car sales display.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public street right of way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 25, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) As approved by the Traffic Engineer, vacate the described public street right of way. Provide Planning with a legal description of the vacated right of way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (2) Dedicate by separate instrument public street right of way for the relocated cul-de-sac. The cul-de-sac radius will be per the Subdivision Regulations. The original dedication must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
- (3) Provide a plan for review and approval for the reconstruction of the cul-de-sac and any other required improvements, as required by Public Works and Traffic. The approved private street project for the reconstruction of the cul-de-sac must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (4) Minnesota Street will remain open and in its current configuration until Minnesota Street is reconstructed, per the approved private street project.
- (5) Provide a covenant, with original signatures, binding and tying the described vacated public street right of way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (6) Dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds. An alternative would be to dedicate the vacated right of way as a utility – drainage easement that must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
- (7) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action. Becky Thompson is the Construction Services Representative for the Northeast area and can be contacted at 261-6320 for questions concerning Westar equipment.

All improvements shall be according to City Standards and at the applicants' expense.

- (8) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by the Traffic Engineer, vacate the described public street right of way. Provide Planning with a legal description of the vacated right of way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (2) Dedicate by separate instrument public street right of way for the relocated cul-de-sac. The cul-de-sac radius will be per the Subdivision Regulations. The original dedication must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
- (3) Provide a plan for review and approval for the reconstruction of the cul-de-sac and any other required improvements, as required by Public Works and Traffic. The approved private street project for the reconstruction of the cul-de-sac must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (4) Minnesota Street will remain open and in its current configuration until Minnesota Street is reconstructed, per the approved private street project.
- (5) Provide a covenant, with original signatures, binding and tying the described vacated public street right of way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (6) Dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds. An alternative would be to dedicate the vacated right of way as a utility – drainage easement that must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.

- (7) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action. Becky Thompson is the Construction Services Representative for the Northeast area and can be contacted at 261-6320 for questions concerning Westar equipment.

All improvements shall be according to City Standards and at the applicants' expense.

- (8) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **DOOL** seconded the motion, and it carried (10-0).

- 3-2. **VAC2016-00016: City request to vacate a portion of platted street right of way,** generally located west of 119th Street West, on the north side of Kellogg Avenue and east of Hornecker Drive.

APPLICANT/AGENT: Steven J Martens & Michael R Martens (applicant/owner) Ruggles and Bohm, c/o Will Clevenger (agent)

LEGAL DESCRIPTION: Generally described as vacating the 50-foot wide portion of the platted Harry Drive that abuts Hornecker Drive on the west side, Lots 8-14, Block 2, Wheat Ridge Addition on its north side, ending at the west side Lot 7, Block 2, Wheat Ridge Addition on its east side and abuts Kellogg Avenue– US Highway US-54 on its south side, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of 119th Street West, on the north side of Kellogg Avenue – US-54 and east of Hornecker Drive (WCC IV)

REASON FOR REQUEST: Right of way will not be used for improvements of Kellogg Street – US-54

CURRENT ZONING: All abutting and adjacent north, east and west properties are zoned GC General Commercial. Kellogg Street – US-54 abuts the south side of the site.

The applicants are requesting the vacation of the 50-foot wide portion of the unimproved, platted Harry Drive public street right of way (ROW) that abuts Hornecker Drive on the west side, Lots 8-14 (subject lots), Block 2, Wheatridge Addition on its north side, ending at the west side Lot 7, Block 2, Wheatridge Addition on its east side and abuts Kellogg Avenue– US Highway US-54 on its south side; a distance of approximately 759.33 feet. VAC2005-00035 vacated the eastern 320-foot long (x) 50-foot wide, portion of Harry Drive ROW that abuts the south sides of Lots 7-6, and a southwest portion of Lot 5, all in Block 2, the Wheatridge Addition; approved December 13, 2005, by the Wichita City Council. The combination of the the current vacation request and VAC2005-00035 appears to leave approximately 20 feet of Harry Drive. The applicants will need to verify if this is a remnant or if the combination of the two noted vacation cases removes all of Harry Drive. There is a platted 35-foot front setback on the subject lots that can be vacated with this case, although it was not requested. The applicant has provided a cross lot access agreement between the subject lots that will provide access to Hornecker Drive, which appear to have access onto Kellogg Avenue – US-54. The Wheatridge Addition plat has complete access control on the abutting Lots 5-14 onto Harry Drive, making the cross lot access agreement necessary; complete access control will be retained. The public ROW Hornecker Drive provides access for the subject lots. Harry Drive will not be used for improvements of Kellogg Street – US-54. Public Works requires the dedication of a 50-foot (x) 50-foot triangle shaped drainage easement located at Harry Drive's intersection with Hornecker Street. There is existing Westar equipment in the area but condition # 8 will cover Westar. Ennidh Garcia is the Construction Services Representative for the Southwest Area and can be contacted at 261-6320 for questions concerning this this vacation request. The Wheatridge Addition was recorded with the Sedgwick County Register of Deeds on April 8, 1968.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted public street right of way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 28, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described platted public street right of way and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide Planning with a legal description of the vacated Harry Drive right of way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action.

- (2) Vacate the platted 35-foot front yard setback located on and running parallel to the south property lines of Lots 8-14, Block 2, Wheatridge Addition. The described vacated platted setback will be replaced with the GC General Commercial zoning district's minimum 20-foot front yard setback.
- (3) Verify that VAC2016-00016 and VAC2005-00035 have vacated all of Harry Drive.
- (4) Retain complete access control on the south property lines of Lots 8-14 (subject lots), Block 2, Wheatridge Addition.
- (5) An approved cross lot circulation agreement (with original signatures) for Lots 8-14, Block 2, Wheatridge Addition will be recorded with the Vacation Order at the Sedgwick County Register of Deeds.
- (6) Provide a covenant, with original signatures, binding and tying the described vacated public street right of way to the applicants' abutting property. This must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraiser's Office.
- (7) Dedicate a 50-foot (x) 50-foot drainage easement by separate instrument with original signatures. The original dedication must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording, with the Vacation Order, at the Sedgwick County Register of Deeds.
- (8) Westar has equipment in the area of the vacation activity. Contact Ennidh Garcia, the Westar Construction Services Representative for the Southwest Area, at 261-6859 for questions/direction concerning Westar equipment located in the area of the vacation. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) or the permission to proceed from Westar to Planning prior to the case going to City Council for final action.
- (9) All improvements shall be according to City Standards and at the applicants' expense.
- (10) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide Planning with a legal description of the vacated Harry Drive right of way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action.
- (2) Vacate the platted 35-foot front yard setback located on and running parallel to the south property lines of Lots 8-14, Block 2, Wheatridge Addition. The described vacated platted setback will be replaced with the GC General Commercial zoning district's minimum 20-foot front yard setback.
- (3) Verify that VAC2016-00016 and VAC2005-00035 have vacated all of Harry Drive.
- (4) Retain complete access control on the south property lines of Lots 8-14 (subject lots), Block 2, Wheatridge Addition.
- (5) An approved cross lot circulation agreement (with original signatures) for Lots 8-14, Block 2, Wheatridge Addition will be recorded with the Vacation Order at the Sedgwick County Register of Deeds.
- (6) Provide a covenant, with original signatures, binding and tying the described vacated public street right of way to the applicants' abutting property. This must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraiser's Office.
- (7) Dedicate a 50-foot (x) 50-foot drainage easement by separate instrument with original signatures. The original dedication must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording, with the Vacation Order, at the Sedgwick County Register of Deeds.
- (8) Westar has equipment in the area of the vacation activity. Contact Ennidh Garcia, the Westar Construction Services Representative for the Southwest Area, at 261-6859 for questions/direction concerning Westar equipment located in the area of the vacation. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) or the permission to proceed from Westar to Planning prior to the case going to City Council for final action.
- (9) All improvements shall be according to City Standards and at the applicants' expense.
- (10) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **DOOL** seconded the motion, and it carried (10-0).

- **3-3. VAC2016-00017: City request to vacate platted access control on property,** located on the southwest side of 21st Street North and K-96.

APPLICANT/AGENT: Slawson East, Inc. (applicant/owner) PEC, c/o Charlie Brown (agent)

LEGAL DESCRIPTION: Generally described as vacating 40 feet of 433.7 feet of platted complete access control onto 21st Street North, located on the northwest property line of Lot 5, Block 1, Cross Point 2nd Addition, Sedgwick County, Kansas.

LOCATION: Generally located on the southwest side of 21st Street North and Kansas Highway K-96 (WCC #3)

REASON FOR REQUEST: To allow a right-in – right-out drive

CURRENT ZONING: The site and the abutting and adjacent east, south and east properties are zoned LC Limited Commercial. The adjacent north properties are zoned SF-5 Single-Family Residential.

The applicant proposes to vacate 40 feet of 433.7 feet of platted complete access control onto 21st Street North, located on the northwest property line of Lot 5, Block 1, Cross Pointe 2nd Addition (the subject site). The applicant proposes a right-in – right-out drive onto 21st Street North. 21st Street North is a paved four-lane, two-way, arterial road at this location. The east end of a full curbed landscaped (grass) median strip lines up with the proposed vacated portion of platted complete access control. To more fully ensure that the proposed drive is right-in – right-out it, the full curbed landscaped median strip may have to be extended further west. Currently the subject site has access to 21st Street North via the public street Crossmark Place by a 45-foot access easement abutting the south side of the subject site. The abutting west property, Lot 10, Block 1, Cross Pointe Addition (recorded July 22, 2005), has direct access onto the public street Crossmark Place, which provides access to 21st Street North.

The proposed drive would be located approximately 211 feet east of the public street Crossmark Place and 220 feet west of the 21st Street North – Kansas Highway K-96 interchange. The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections.

There does not appear to be any public utilities located in the area of the vacation. Westar has equipment in the vacation area but Westar has no objection to this request as condition # 3 will cover Westar. Becky Thompson is the Construction Services Representative for the Northeast Area and can be contacted at 261-6320 for direction on this request. The Cross Pointe 2nd Addition was recorded with the Sedgwick County Register of Deeds on January 3, 2008.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 28, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate that portion platted access control to allow one drive onto the sites' 21st Street North frontage, as approved by Public Works - Traffic. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to the City Council for final action.
- (2) If necessary provide a plan for review and approval to extend the full curbed landscaped median strip further west. If required provide Planning with a private project number of the approved plan. This must be provided to Planning prior to the case going to the City Council for final action.
- (3) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide written approval from the utility companies prior to the case going to the City Council for final action. Becky Thompson is the Westar Construction Services Representative for the Northeast Area and can be contacted at 261-6320 for direction on this request in regards to Westar equipment.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including all required plans, permits, inspections and the construction of the drive onto 21st Street North.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion platted access control to allow one drive onto the sites' 21st Street North frontage, as approved by Public Works - Traffic. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to the City Council for final action.
- (2) If necessary provide a plan for review and approval to extend the full curbed landscaped median strip further west. If required provide Planning with a private project number of the approved plan. This must be provided to Planning prior to the case going to the City Council for final action.
- (3) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide written approval from the utility companies prior to the case going to the City Council for final action. Becky Thompson is the Westar Construction Services Representative for the Northeast Area and can be contacted at 261-6320 for direction on this request in regards to Westar equipment.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including all required plans, permits, inspections and the construction of the drive onto 21st Street North.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **DOOL** seconded the motion, and it carried (10-0).

PUBLIC HEARINGS

FOSTER recused himself and left the bench.

4. **Case No.: ZON2015-00052 (Deferred from 2-4-16)** - R. Brandon Wilson (owner/applicant) and MKEC, c/o Brian Lindebak (agent) request City request for a zone change from SF-5 Single-family Residential and GC General Commercial to LI Limited Industrial on property described as:

The West half of the Northeast Quarter of the Northeast Quarter EXCEPT the North 600 feet, all in Section 28, Township 27, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

AND

The South 49.34 feet of the North 600 feet of the West half of the Northeast Quarter of the Northeast Quarter, all in Section 28, Township 27, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting LI Limited Industrial (LI) zoning on the 11.21-acre, unplatted SF-5 Single-Family Residential (SF-5) and GC General Commercial (GC) site. The site is located a block west of Greenwich Road, abuts the north side of I-35 on the northwest side of the Gilbert and Trig Streets intersection. East Kellogg Avenue/US-54 is located approximately 380 feet north of the site. At the time the report was prepared for the February 4, 2016, MAPC meeting the site was an overgrown field.

Since the February 4, 2016, MAPC meeting the applicant has bulldozed most of the site's trees, brush and weeds and piled them on the east side of the site. Meanwhile construction on the East Kellogg Street improvements has accelerated and it appears that the west portion of the SF-5 zoned site and/or the west abutting GC zoned property is being used to stock pile dirt from the Kellogg Street improvements. Stockpiling dirt (outdoor storage) is not permitted in the SF-5 zoning district, but is permitted in the LI and GC zoning district. Graders and dump trucks have been observed in the area of the site crossing a City owned drainage easement for access to the west portion of the site. The Kellogg Street improvements has allowed the temporary crossing of the City owned drainage easement, but this could be stopped if the City finds damage to the drainage easement. Permanent access to the west side of the site would require the applicant to construct a permanent bridge over the drainage easement and reach an agreement with the abutting west property owner to cross over their land or purchase the needed land from the abutting west property owner. Planning is not aware of any dialogue with the City or the abutting west property owner that would provide permanent access to the site from the west. Trig and Gilbert Streets are currently the only access to the site and there are no plans for improvements to these sand and gravel residential streets. The completion of this phase of Kellogg/US-54 improvements is set at 2019-2020.

As noted a large GC zoned City owned drainage easement abuts the north side of the site. A GC zoned western clothing store is located north of the drainage. Further north of the site, across Kellogg Street – US-54 Highway, is the long established (1940) LI zoned Beech Aircraft manufacturing complex. GC zoned undeveloped land and what appears to be unimproved parking abut the west side of the site. As earlier stated this GC zoned land appears to be used for temporary access to the site and may have stock-piles of dirt on it. GC zoned Nissan and Mazda car sales lots are located further west. Six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site, as is a GC zoned single-family residence (built 1954) and undeveloped GC zoned land. A GC zoned Green Lantern car wash, undeveloped GC zoned land, a LC Limited Commercial (LC) zoned small commercial strip building, and SF-5 zoned cleared lots and two single-family residences are located a short block east of the site, along the west side of Greenwich Road. The noted SF-5 zoned single-family residences in area are the remnants of 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.

Based on design for the improvements to this portion of Kellogg/US-54 and its intersection with Greenwich Road, Trig Street provides the preferred access to the site. Gilbert Street provides access to Greenwich Road. However, the Gilbert Street – Greenwich Road intersection's close proximity to the I-35 overpass triggers public safety concerns in regards to a sight restrictions. Trig Street will intersect with the Kellogg Street frontage road, which will be a one way street east to the noted intersection. If the zoning is approved, Trig Street will have to be paved per City standards. The City has no plans to pave Trig Street and has not been presented with a petition to pave Trig Street. Currently the six SF-5 zoned single-family residences located on the east side of Trig Street generate almost all of the traffic onto Trig Street, with the exception of cut through traffic using Trig Street to avoid the Kellogg Street – Greenwich Road intersection. The completion of this phase of Kellogg/US-54 improvements is set at 2019-2020.

The closest LI zoned properties to the site are located east and north of the site. Approximately 740 feet east of the site, across Greenwich Road are LI zoned properties with a covenant COV-6 and a community plan CUP DP-196 overlays, which have provisions for uses, screening, outdoor storage, signs, lighting, building height, landscaping, etc. The long established (1940) LI zoned Beechcraft Airplane manufacturing complex is located approximately 720 feet north of the site, across Kellogg Street.

CASE HISTORY: The site is undeveloped and based on historical aerials appears to have been undeveloped since the 1970s. The MAPC considered this case at their February 4, 2016 meeting. The adjacent single-family residences opposed the LI zoning request. Their concerns included having industrial truck traffic on the sand and gravel residential Trig and Gilbert Streets, which are the only streets they have to get to and from their homes. Neither Trig nor Gilbert Streets were built for industrial traffic, which would damage the roads, creates dust in dry weather and pose a public safety problem to their families. The neighbors noted that Trig and Gilbert Streets were already used as a way for vehicular traffic to avoid the Greenwich Road – Kellogg Street intersection located a block east of their homes. The neighbors were also concerned that outdoor storage would bring down the value of other properties in the area, as well as frustration in not knowing what the LI zoning would allow. The MAPC deferred a recommendation on the request for 90 days. The MAPC will reconsider the case at their May 19, 2016, meeting. The case was also scheduled for the February 8, 2016, District Advisory Board (DAB) II meeting. However a recommendation by DAB II was deferred until its May 9, 2016, meeting.

At the May 9, 2016, DAB II meeting the adjacent single-family residences restated their opposition to the proposed LI zoning. The neighbors also noted that since the February 4, 2016, MAPC meeting the construction on the East Kellogg Street improvements has accelerated and has increased their concerns of the immediate and future impact of the proposed LI zoning on their properties. The neighbors expressed concerns about the site throwing more water off the site and onto Trig Street and their yards. The neighbors questioned how the applicants' were allowed to stockpile dirt on the still SF-5 zoned property, leaving them to wonder if they could do the same on their SF-5 zoned property. They noted that the stockpiling of dirt on the subject property has increased the dust in the area and that industrial truck traffic was still using Trig Street to get in and out of the site. They noted that if the applicant had left a portion of the trees up on the east side of the site that they could have provided a buffer between their homes and the dirt stock piles and the graders and trucks moving the dirt on and off the site. They noted that the trees, bushes and grass had not been piled up but left where they had been dozed over. It

must be noted that if the applicants propose to burn the trees, bushes and grass on the site, the activity would be defined as a limited construction burn site; UZC Sec.III-B.3.1. A limited construction burn site on LI zoned property is permitted by right if the site can meet the property development standards listed in Sec.III-C.12. of the UZC. If the property development standards are not met consideration of a conditional use is required.

The applicants' response to the stockpiling of dirt on the site was that they had a three-year contract with Sherwood Construction, a contractor working on the Kellogg improvements for the stock piling of dirt and the parking of their equipment on the site. The applicants stated that they would not use Trig Street until the improvements to Kellogg were complete and the property was platted. The applicants stated that at the time of platting the entrance to their site would be determined and that they would pay for the paving of Trig Street from the Kellogg frontage road to their entrance. The applicants also stated that they would contact Sherwood Construction no later than tomorrow to tell them not to use Trig Street to get to the site. The applicants also told the neighbors that they would begin and finish the construction of an eight-foot tall berm the length of the east side of their property in 60 days to screen the site from the neighbors and discourage vehicular traffic from cutting through the their site to Trig Street and Gilbert Street.

The DAB's recommendation was to approve the LI zoning with the provisions of the Protective Overlay and the following additional provisions:

- (1) The applicant will not use Trig Street or Gilbert Streets until the improvements on East Kellogg are completed (2019-2020) and the property has been platted, after which the applicant will pave Trig Street at their expense from its intersection with the Kellogg frontage road to the entrance(s) of their property, per City Standards.
- (2) Access to the site for life of the East Kellogg Street improvements (2019-2020) will be confined to the northwest portion of the site.
- (3) The applicant will call Sherwood Construction to instruct them to keep all construction traffic off of Trig and Gilbert Streets and only use the current northwest entrance to the site.
- (4) The applicant will construct and complete an eight-foot tall berm for the length of the east side of the site seeded with a grass to hold it together within 60 days of May 9, 2016, DAB II meeting.
- (5) The City will install "No construction truck traffic" signs on Trig and Gilbert Streets during the life (2019-2020) of this portion of the construction/improvements to East Kellogg Street.

Since the DAB II meeting Planning Staff has found the posting of no construction truck traffic signs on Trig and Gilbert Streets requires an amendment to the provisions of City Code Section 11.40.010. This section has a list of streets in the city where no commercial truck traffic is permitted. Public Works is hesitant in putting staggered construction barriers on the north portion of Trig Street, expressing doubts in their effectiveness and not wanting to funnel traffic from the neighborhood onto the sand and gravel Gilbert Street's intersection with Greenwich Road because of public safety concerns due to its close proximity to the I-35 overpass in regards to a sight restrictions. Public Works has contacted the manager (Wildcat Construction Company) of the Kellogg improvements to tell them not to use Trig or Gilbert Streets to get to the subject site during the life of the project. Wildcat Construction Company has responded that they don't plan on utilizing Trig Street for routine ingress or egress to the storage (subject) site during construction, but occasional use may be needed for erosion control, maintenance, dust control and/or seeding of the storage pile. They have also expressed a desire to be a good neighbor during the construction – improvements to this portion of Kellogg Street and that as long as they continue to have

access across the City property to and from the northwest and west side of the storage (subject) site to the south frontage road, they do not see a need to utilize Trig Street.

ADJACENT ZONING AND LAND USE:

NORTH:	GC, Kellogg/US-54	Western clothes store, drainage easement, land cleared for improvements to Kellogg/US-54, aircraft manufacturing
SOUTH:	I-35, SF-5	Interstate Highway I-35, single-family residences
EAST:	SF-5, GC, LC	Single-family residences, undeveloped land, retail strip building, car wash
WEST:	GC	Undeveloped land, car sales

PUBLIC SERVICES: Public water and sewer are located in the Trig Street right of way. Access to the site is currently provide by the local, sand and gravel residential Trig Street. Access to the arterial Greenwich Road is via Trig Street to the sand and gravel Gilbert Street. Direct full movement access to the arterial Kellogg/US-54 is via Trig Street. Improvements to the Kellogg/US-54 will provide access to the Kellogg/US-54 frontage road, which in turn will provide access to the east Kellogg/US-54-Greenwich Road intersection and west along the frontage road. Completion of this phase of Kellogg/US-54 improvements are set at 2019-2020.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. There are no existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials in this area. The area is developed with large car sales lots, big box retail (Lowes and Wal-Mart), commercial strips and stand-alone retail/commercial.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification. If approved the proposed LI zoning would mean that the site does not meet the locational criteria of industrial land having direct access to arterial roads. Access to the site is via Trig Street a sand and gravel residential street. The locational criteria also states that industrial traffic shall not go through a residential neighborhood. The area cannot not be described as residential, but six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site. These residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953. LI zoning does not permit any residential development. Since 2000 the area has been extensively developed with large retail complexes.

RECOMMENDATION: Applying provisions of a protective overlay (PO) to the request for LI zoning will allow the applicants the opportunity for commercial and limited industrial development on the site as well as eliminating some of the industrial uses permitted by right that are out of character with the

existing development in the area, most which has occurred since 2000 and has been anchored by the big box stores Wal-Mart and Lowes. When a PO is applied to a base zoning district the result is a more restrictive designation than if the base district did not have the PO classification; UZC. Sec.III-C.6.s. The proposed PO in an attempt to buffer the remaining single-family residences from industrial development, but allow the applicant to use and develop the site. Based upon information available prior to the public hearings, planning staff recommends that the proposed conditional use be APPROVED, subject to the following provisions of a protective overlay:

1. Prohibited Land Uses –

- a. Pawn Shop, Private and Public Recycling Collection Stations, Recycling Processing Center, Reverse Vending Machine, Rodeo in the City, Sexually Oriented Business, Tattooing and Body Piercing Facility, Asphalt and/or Concrete Plant, Landfill, Mining or Quarrying, Oil and Gas Drilling, Rock Crushing, Solid Waste Incinerator, Transfer Station, Wrecking/Salvage Yard.
- b. In addition to the prohibited uses listed 1.a.) the following uses are prohibited as long as the SF-5 Single Family Residential Zoning remains on the Properties located on the east side of Trig Street (being legally described as: Lots 5, 6, 7, 8, 9, 10, and 11, East Kellogg Acres, Sedgwick County, Kansas): Correctional Facility, Correctional Placement Residence, Nightclub in the City, and Tavern or Drinking Establishment.
- c. As long as the SF-5 Single-Family Residences remain on Trig Street, any stock piling of dirt, sand or gravel shall require the property owner to employ dust control methods such as having a water trucks or an irrigation system on site to spray the dirt sand or gravel piles frequently enough to keep the dust on the site.

2. Transportation –

- a. The applicant or any entity using the subject site will not use Trig Street until the improvements on East Kellogg are completed (2019-2020) and the property has been platted, after which the applicant/owner will pave Trig Street, per city standards, at their expense from its intersection with the Kellogg frontage road to the entrances of their property.
- b. Access to the site for the life of this portion of the East Kellogg Street construction - improvements (2019-2020) will be confined to the northwest and west portions of the site. No access to the site via Trig and Gilbert Streets for the life of this portion of the East Kellogg Street construction - improvements (2019-2020)
- c. The applicant will request the City to post signs, at the applicant's expense, prohibiting commercial/industrial truck traffic from using Gilbert Street to get to and from the site. These signs shall be placed for the life of this portion of the East Kellogg Street construction - improvements (2019-2020) and after said project.
- d. The applicant shall monitor Sherwood Construction (or whoever is using the site during the life of the Kellogg Street improvements – 2019-20120) to instruct them to keep all construction traffic off of Trig and Gilbert Streets and only use the current northwest or west entrance to the site

3. Screening – If the said properties located on the east side of Trig Street remain zoned SF-5 at the time of development, then the following screening and landscaping provisions are required. (Lots 5, 6, 7, 8, 9, 10, and 11, East Kellogg Acres, Sedgwick County, Kansas)

- a. An eight-foot tall berm seeded with a grass to hold it together will be constructed along the length of the east property line within 60 days of the May 9, 2016, DAB II meeting. The berm will remain and be maintained on the site for the life of this section of the East Kellogg Street construction - improvements (2019-2020), after which it may be applied towards permanent screening or substituted with the next listed b. or c. Using it as permanent screening would still require this side of the site to comply with the Landscape Ordinance.
 - b. A minimum 8 foot tall masonry wall shall be built along the site's east side of the subject property, along Trig Street, except however for access drives or street locations into the subject property. Landscaping will be per the Landscape Ordinance. Screening and landscaping shall be constructed within 120 days of a building permit being issued.
 - c. A landscaped berm may substitute 3.b., if; landscape screening is planted with evergreen trees planted in a double row staggered/offset atop a three to four foot tall berm. The trees shall be irrigated to sustain them and shall be planted at a minimum rate of 16 feet on center and shall be a minimum of 6 feet in height at the time of planting.
 - d. Existing landscaping within the south 20 feet of the south property, if maintained, satisfies the landscape street yard requirement, if it meets the standards of the Landscape Ordinance. If there is outdoor storage within 150 feet of the south property line solid screening will be required if removed.
 - e. A landscape plan shall be reviewed and approved by the Planning Director.
 - f. All landscape material that dies shall be replaced within 30 days.
 - g. All screening and landscaping will be per code, unless otherwise noted.
4. All rooftop mechanical equipment shall be screened from ground view per the U.Z.C. All loading, docking areas and trash receptacles shall be screened from ground view and along I-35 as approved by the Planning Director.
5. Signage – shall be as permitted in the Limited Industrial LI Zoning District provided the following standards:
 - a. All ground signs will be pylon or monuments.
 - b. Only one building sign per building shall be allowed along I-35 frontage.
 - c. If the said properties located on the east side of Trig Street remain zoned SF-5 at the time of development of the subject property, then:
 - i. Building signs shall only be permitted on the south, north and west sides of the building unless they can be seen from said SF-5 properties.
 - ii. Portable signs, flashing or animated signs, pennants, banners, and balloon signs are not permitted.
 - iii. Backlit canopies and neon or florescent tube lighting on buildings are not permitted.
 - iv. The maximum height of ground signs shall be 10 foot along Trig Street, all other signs shall not exceed 20 feet tall. The maximum sign area of street signs shall be 250 square feet, EXCEPT along Trig Street which shall be limited to a maximum of 150 square feet.
 - v. No ground signs along Trig Street shall be lit, provided ground lighting is allowed for monument signs. The lighting shall be turned off between the hours of 8:00 PM to 6:00 AM.
6. A minimum of a 35 foot building setback shall be required along the Trig Street and I-35. No pole lights, or outdoor storage is allowed in the 35 foot building setback.

7. All exterior lighting shall be shielded to direct light downward. Pole lights, including the base shall be no taller than 15 feet if the said properties located on the east side of Trig Street remain zoned SF-5 at the time of development.
8. Compatibility height, setback and light standards shall apply, unless otherwise noted.
9. All utilities shall be underground.
10. Parking shall be paved per City Standards and a drainage plan must be provided for review and approval.
11. No building permits will be issued until the site is platted.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The area is located along the Kellogg/US-54 corridor and abuts I-35, with access onto Greenwich Road, which, with Broadway Avenue – US-81 Highway is perhaps the only paved, north-south, county line to county line arterial road in Wichita and Sedgwick County. The area is a mix of GC, LI, and LC zoning, most with development overlays, which have developed into big box stores Wal-Mart and Lowes anchoring stand-alone fast food restaurants, stand-alone retail and small commercial strip buildings. The LI zoned Beechcraft Airplane manufacturing complex (1940) is located approximately 720 feet north of the site, across Kellogg Street. The area also has at least five major automobile dealerships. The area's nine single-family residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The unplatted 11.21-acres SF-5 zoned site could be developed as single-family residential subdivision. However, the area's development trend is large scale commercial and major auto dealerships, which reflects the areas access to Kellogg/US-54 corridor, the arterial Greenwich Road and the area's visibility from the abutting I-35.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The provisions of the protective overlay are intended to conform the site to the area's commercial development, most of which was established or redeveloped beginning in the early 2000s, as well buffer the remaining existing single-family residential development. The provisions of the PO and the requested zoning are intended to allow development of a site that has been vacant since at least the 1970s.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification. If approved the proposed LI zoning would mean that the site does not meet the locational criteria of industrial land having direct access to arterial roads and not having industrial traffic go through a residential neighborhood. Access to the site is via Trig Street a sand and gravel residential street. The area cannot not be described as residential, but six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site. These residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953. Since 2000 the area has been extensively developed with large retail complexes.

- (5) **Impact of the proposed development on community facilities:** The site will generate industrial truck traffic onto Trig Street, Kellogg/US-54, Greenwich Road and perhaps Gilbert Street.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MCKAY asked since the Commission has heard the case before, are they going to hear the entire case because not much has changed.

VICE CHAIR DENNIS asked the Commission if they wanted to hear the whole case or just what has changed since the last meeting. He asked staff to cover why the Commission deferred the case and what has transpired since that time.

RICHARDSON said he recalled that the case was deferred because of access issues.

LONGNECKER briefly reviewed the case stating that it came before the Planning Commission on February 4, 2016. He said at that time, the Planning Commission deferred the item for ninety days and instructed staff to send it to DAB II for review and recommendation. He said nothing has changed on the application as far as development zoning; however, he said he has outlined proposed changes on page two of the Staff Report. He briefly reviewed the changes and mentioned progress of construction along East Kellogg. He indicated that members of Public Works were also present to answer any questions regarding improvements to Kellogg. He reviewed several photographs taken of the current temporary access point to the property, the condition of the property and the surrounding area. He mentioned possible drainage problems in the area and said a member of the Stormwater Division was present to provide possible solutions.

DIRECTOR MILLER asked for clarification that the existing berm would not be broken by any drives until after the area is platted.

LONGNECKER said the proposed berm will go into effect after the area has been platted. He said the intent of the berm is to meet the screening requirement when the zoning goes into effect.

JOHNSON asked about the DAB vote on the application.

LONGNECKER reported that DAB II approved the application unanimously with the recommended PO.

MCKAY asked for clarification that the applicant could not use Trig Street until it was paved. He also asked why can't they continue to use the current entrance onto the property permanently, it would be cheaper than paving Trig Street.

LONGNECKER said the applicant has agreed to pave Trig Street to the entrance to their property. He said he would have to defer the question on the temporary entrance to the property to Traffic Engineering and Stormwater. He added that the applicant would have to get permission from the west property owner to cross their property to continue to use the temporary entrance.

RICHARDSON asked about amending the Ordinance to allow for signs about no truck traffic.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said that would have to be requested by Public Works or the City Council member. He said there were no guarantees and that it often takes some time to change a City Ordinance.

RICHARDSON mentioned that the Commission asked the applicant to speak to the City about purchasing property for access to the site from the northwest corner. He asked about the status of that request.

LONGNECKER said Traffic Engineering and the applicant can address that.

JOE HICKLE, INTERIM STORMWATER ENGINEER referred to a picture of the temporary crossing installed by the applicant stating that "temporary" could mean up to 3-4 years. He said during that time there could be severe storms, so they are checking to see that this structure has the "flow capacity" to not flood people located up or downstream. He said his preliminary assessment is this structure is pretty weak, that it needs another pipe. He said he will work with the contractor to see that an additional pipe is installed. He commented that when the property comes to be platted, the applicant will be required to meet all Stormwater Regulations.

VICE CHAIR DENNIS asked if the property was located in a floodway or flood zone.

HICKLE said it is going into the flood zone. He referred to a map of the floodplain in the area.

ELLISON asked if the applicant has explored options about an entrance from the west side of the property. He said that would eliminate the traffic issue along Trig Street.

HICKLE deferred to Public Works Engineering to answer that question.

MIKE ARMOUR, PUBLIC WORKS, ENGINEERING indicated that the City acquired property for right of way for improvements including an off-ramp onto the frontage road. He said the City purchased the whole property which is being used now for a staging area for construction materials and equipment.

ARMOUR said if the property owner was allowed to have a drive right before or after the off-ramp it may become a safety issue and cause collisions between vehicles exiting Kellogg. He said the City has complete access control across the area. He said allowing the applicant access to their property straight north to the frontage road is not an option.

MCKAY clarified that the City couldn't give the applicant access at that point; however, they could let them have access to Trig Street, just a short ways to the east.

ARMOUR said that was correct. He briefly reviewed the aerial of the location of the proposed off-ramp.

RICHARDSON asked about future plans for development of the City property.

ARMOUR said that would be a question for City Property Management.

ELLISON asked about the applicant entering their property on the north side from Trig Street.

ARMOUR said that was an option.

BRIAN LINDEBAK, MKEC ENGINEERING, REPRESENTING THE OWNERS AND APPLICANT said they are in agreement with staff comments. He said they have spent considerable time with City Staff crafting the PO to prevent harm to the neighborhood. He referred to a brief presentation on the site. He mentioned paving of Trig Street and said the PO also offers screening, lighting, setbacks, parking, utilities and compatibility with the neighborhood. He said back in the 1970's when this area was developed as residential it was considered on the "edge of town". He said because of expansion this is now surrounded by LC and GC zoning and development. He said the applicant does not anticipate platting and improving the site until after the Kellogg improvement project is completed. He said they also do not know what the uses of the property will be and whether they will be LI or commercial in nature. He commented that the site already has access to Trig Street, which is a public street. He mentioned other possible changes to the area that would increase commercial traffic along Trig Street. He referred to the Staff Report which states that the Comprehensive Plan indicates the area for commercial and retail development. He said when they plat, if the residential properties still remain the applicant will pay to pave Trig Street to the entrance to their property.

LINDEBAK commented that the Kellogg improvement project has complicated this proposal and made it appear that some of the activities with the Kellogg project are connected with the applicant's project but that is not the case. He mentioned an e-mail from one of the neighbor's about a truck being parked on Gilbert, but said that had nothing to with the applicant's project but with the Kellogg project. He concluded by stating that they were in agreement with the proposed PO.

RICHARDSON referenced page 4 of the Staff Report and the five additional requirements proposed by the DAB. He asked if the applicant was also in agreement with those requirements.

LINDEBAK said yes and mentioned that they are attempting to build the eight-foot berm as soon as possible, as requested by the DAB.

RICHARDSON clarified that those requirements would be incorporated into the PO.

LONGNECKER responded that they have been included in the PO.

LINDEBAK clarified that they will pave Trig Street to the entrance to their property as long as the properties to the east remain residential. He said if those properties are sold and rezoned to commercial, they will look to the new owners to assist with the cost of paving Trig Street which they felt was only fair.

TODD clarified that ingress and egress to the property will be to the East off of Trig Street. He also asked about possible GC as opposed to LI zoning for the property.

LINDEBAK said ingress and egress onto the property will be off of the public street, which was Trig Street. He said there is a lot of overlapping uses between LI and GC. He said the biggest difference is that GC would allow for residential use and those uses are stripped out of LI. He said they do not feel this is a viable place for residential development. He said surrounding property is being marketed for commercial development.

DAILEY asked about delaying rezoning of the property until after completion of the Kellogg project.

LINDEBAK said if someone buys land for commercial purposes, they want to have those uses sooner rather than later. In addition, he said they want to understand what they can do with the property long-term instead of making plans and then finding out they can't do what they want to do with the property down the line. He said there is a lot of transition in the area and they would like to complete the zone change now.

DAILEY asked if staff agreed with that.

DIRECTOR MILLER responded that staff has to process requests for zoning. He said given what is going on in the surrounding area, the proposal seems reasonable.

MCKAY asked since the case has been heard previously, will it be the same public comment.

VICE CHAIR DENNIS asked the public not to repeat the concerns expressed at the last hearing.

KARMEN GIROUX, 640 TRIG STREET said the neighborhood is protesting this development and asked what was the 20 percent required to trigger the super-majority vote by the City Council. She asked how many homeowners it was going to take.

DIRECTOR MILLER explained that the 20 percent was of the land area within the first 200 feet surrounding the application area, not the number of land owners. He said without someone doing a calculation, he could not tell her what that number was off the top of his head. He said they use the computer to calculate the percentage.

GIROUX asked when that could be done.

VICE CHAIR DENNIS suggested that Bill Longnecker, the Planner handling the case contact her with that information.

BRAIDEN FIENE, 556 SOUTH TRIG STREET mentioned at the last meeting the applicant indicated they weren't doing any construction; however, when they got home after the meeting three-fourths of the trees on the property had been torn down. He said there was a barrier of trees along Trig Street already that would have been sufficient for screening but the applicant tore them down. He said there is a drainage issue in the area and said he has pictures of what happened in the area the last time there was about five inches of rain which he would like to share with Stormwater Staff. He referred to the aerial of the area and said the water went from the back of Dandales south onto the applicant's property and over the top of Trig Street and south behind the back side of their properties. He said that much water will go over the temporary bridge that has been made to access the property. He said there is a 15-20 foot embankment that could swallow a car and is very dangerous. He mentioned safety concerns expressed by the representative from Engineering and said he has to exit out of the neighborhood from Trig Street every day onto Kellogg. He said traffic backs up on Kellogg and you can't turn onto it. He said getting tee-boned is an issue. He said exiting from Gilbert is also dangerous because you can't see northbound traffic until you are out in the lane. He said there is no safe exit out of where he lives and it is dangerous no matter what time of day it is. He said a lot of the traffic is cutting through Trig to Gilbert to Greenwich. He asked about the possibility of getting "No through Traffic" and "No Commercial Traffic" signs posted in the area. He gave several scenarios of possible solutions to traffic in the area. He said with all the trees being torn down, there is going to be quite a bit more run off which is going to increase the drainage issues in the area.

PHIL DUNBAR said he owns property at **630 TRIG STREET**. He asked if a new bridge would be required if Trig Street was paved. He asked about the possibility of installing a new road over the drainage area, since there is already a traffic light at the Wal-Mart complex.

LINDEBAK mentioned drainage issues and said the property does flood. He said flooding to the east of the property is an existing condition. He said the Staff Report indicated that in a 2004 study the neighbors indicated that water does over top Trig Street. He said they believe paving Trig Street will fix that issue.

RICHARDSON asked which way the water leaves the site now.

LINDEBAK said partially to the northeast and southeast.

JOHNSON asked how many residential properties are affected along Trig Street and if the City has considered buying the properties.

LONGNEKCEFR said he believes there are six residences along Trig Street. He said he is not aware if the City has made offers to purchase them.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **TODD** seconded the motion, and it carried (8-1-1).

ELLISON – No. **FOSTER** – Abstained.

MCKAY mentioned that he felt the e-mail the Commissioners received from the DAB member stating that they had changed their mind about how they voted was inappropriate.

-
5. **Case No.: ZON2016-00012 and CON2016-00007 (Deferred Indefinitely)** - City zone change from SF-5 Single-family Residential to TF3-Two-family Residential to allow ancillary parking (CON2016-00007), an amendment to PO-300 to allow a restaurant and a 10% reduction of the compatibility setback.

VICE CHAIR DENNIS announced that the item has been deferred indefinitely.

-
6. **Case No.: CON2016-00009 and ZON2016-00008** - Import Auto Center, Inc., Venture Realty, Inc (applicants/owners) and Kaw Valley Engineering, c/o Tim Austin (agent) request a City zone change from B Multi-family Residential to LC Limited and City conditional use request for car sales on property described as:

LOT 1, BLOCK 1, ALONG WITH 10 FEET VACATED ALLEY ADJACENT ON WEST, SIXTY-SIX ADDITION, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 30-32-34-36, EXCEPT THAT PART DEEDED TO CITY, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 38-40, EXCEPT THAT PART LYING WEST OF A LINE STARTING AT A POINT 59 FEET EAST OF THE SW CORNER LOT 40 AND ENDING AT A POINT 47.2 FEET EAST OF THE NW CORNER OF LOT 38 DEEDED TO CITY FOR HIGHWAY PURPOSES, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, THE EAST 33 FEET OF LOTS 42-44 ALONG WITH THAT PART OF LOTS 42-44 DESCRIBED AS FOLLOWS: BEGINNING 33 FEET WEST OF THE NE CORNER OF LOT 42, THENCE SOUTH 22.60 FEET, THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT 39.58 FEET, THENCE NORTH 2.35 FEET TO THE NORTH LINE OF LOT 42, THENCE EAST 32.50 FEET TO THE POINT OF BEGINNING, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, THE EAST 33 FEET LOT 46 AND THE NORTH 5 FEET OF THE EAST 33 FEET OF LOT 48, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

BACKGROUND: The applicants are requesting LC Limited Commercial (LC) zoning on the 0.32-acre, platted B Multi-Family Residential (B) zoned portion of the of the 1.12-acre site located north of 1st Street, on the east side of Minnesota Avenue. This B zoned north portion of the site is developed as a triplex (built 1935). The south and east parts of the site are the applicants' LC zoned auto repair and indoor car sales business, as permitted by Use Exception BZA12-87. The conditions of approval are:

- (1) All vehicle sales on this property shall be displayed and stored within an enclosed building.
- (2) That portion of the building to be occupied by the automobile sales business shall not exceed 5,000-square feet of floor area.
- (3) All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not be used for display of company vehicles.

- (4) If light is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the light away from the residential properties.
- (5) Signs shall be limited to that permitted by Sec.28.04.139 of the zoning ordinance, provided however, no string type lighting or banners shall be permitted.
- (6) No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.
- (7) All screening required by the zoning ordinance for the protection of the adjacent residential properties shall be installed and maintained in good condition.
- (8) Any change of occupancy of this building or change in the manner in which the automobile sales business is operated, shall null and void the resolution.
- (9) Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the BZA.
- (10) Resolution BZA68-83 shall become null and void upon release of this resolution.

The applicants are requesting a Conditional Use to replace BZA12-87, to permit outdoor vehicle display and sales. The Unified Zoning Code (UZC, Sec-D.3.6.x) require a Conditional Use for car sales in the LC zoning district.

The LC and B zoned properties also had a variance approved, BZA13-87, to reduce the required parking from 41 parking spaces to 31 parking spaces and to reduce the 20-foot front setback along the portion of the site with Minnesota Avenue frontage for parking spaces. BZA13-87 was approved the same day as BZA12-87, subject to the above conditions, plus improvements to an abutting alley to City Standards, requiring parking barriers along right of way and landscaping in the reduced front setback that was not occupied by parking.

The applicants' auto repair business building (built 1988, approximately 10,000-square feet) has three bay doors facing 1st Street, as well as large windows and the entrance to the office. There is another bay door facing Minnesota Avenue as well as a large window. The applicants' site plan is projected on an aerial of the site. It does not show all of the proposed or existing parking spaces, instead it shows automobiles parked in unidentified space and a proposed sales display area for 13 vehicles. The site plan – aerial shows an existing drive onto Ash Street and an existing drive onto Minnesota Avenue. The site plan does not show proposed or existing lighting, existing or proposed screening, nor existing or proposed landscaping.

The construction of Interstate Highway I-135 (I-135), between 1971 and 1978, re-routed and reconfigured this portion of Minnesota Avenue into a cul-de-sac, taking away its intersection with 1st Street on its south end. The only access to this portion of Minnesota Avenue is on its north side at its intersection with 2nd Street. An older B zoned residential neighborhood made up of single-family residences, a few duplexes, tri-plexes, and four-plexes (mostly built in the 1920s) abuts and adjacent to the north, east, and northeast sides of the site. An older B zoned residential neighborhood made up of mostly single-family residences, scattered duplexes, tri-plexus, and four-plexes (built 1872-1940s) is located south of the site, across 1st Street.

CASE HISTORY: The site is platted as Lot 1, Block 1, along with 10 feet of the vacated alley adjacent on the west side, Sixty Six Addition. The Sixty Six Addition was recorded with the Register of Deeds on February 4, 1970. The site is also platted as Lots 30-32-34-36, except that part deeded to the City & Lots 38-40, except that part lying west of a line starting at a point 59 feet east of the southwest corner of Lot 40 and ending at a point 47.2 feet east of the northwest corner of Lot 38 deeded to the City for highway purposes, all in Block 1, Minneapolis Addition. The ‘highway’ referenced is the west, abutting section of I-135, which was constructed between 1971 and 1978. The construction of I-135 required additional right of way and re-routed and re-configured Minnesota Avenue into a cul-de-sac on its south end. The Minneapolis Addition was recorded with the Register of Deeds June 9, 1886. Vacation case V-1523, approved March 1, 1988, vacated with conditions, the east abutting north-south alley from 2nd Street to 1st Street. As already noted Use Exception BZA12-87 and variance request BZA13-87 were approved with the conditions listed by the BZA on April 28, 1987. Staff has received calls inquiring about the zoning request. None of these calls expressed opposition to the applicants’ request.

NOTE: VAC2016-00004 was approved with conditions at the May 12, 2016, Subdivision Committee (SD) meeting. VAC2016-00004 is a request to vacate the south approximately 236 feet of the Minnesota Street public right of way. This portion of Minnesota Avenue abuts the east side of the applicants’ property and will increase the size of the site. There were no protests at the SD meeting. VAC2016-00004 will be considered at the May 19, 2016, MAPC meeting.

ADJACENT ZONING AND LAND USE:

NORTH: B	Single-family residences
SOUTH: B	Single-family residences, scattered duplexes, tri-plexes, four-plexes
EAST: B	Single-family residences, scattered duplexes, tri-plexes, four-plexes
WEST: I-135	Interstate Highway I-135

PUBLIC SERVICES: All utilities are available to the site. The site currently has a driveway onto the Minnesota Avenue cul-de-sac on its north end where a tri-plex is located. The only access to this portion of Minnesota Avenue is on its north side with its intersection with the one-way west, two-lane arterial 2nd Street. Ash Street is a residential street that intersects with the one-way west, two-lane arterial 2nd Street on its north side and with the one-way west, two-lane arterial 1st Street on its south side

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” of the “Comprehensive Plan” identifies the site as appropriate for “residential development.” The site’s residential development designation appears to confirm the site’s and neighborhood’s development mix of single-family residences, scattered duplexes, tri-plexes, and four-plexes. The Concept Map does not recognize the site’s LC zoning. The requested LC zoning is not a match for the site’s residential development designation, but does match the site’s current LC zoning, which is what most of the site is zoned. The Map does show the area south of the site, across 1st Street, as appropriate for “new employment,” which does match up with the site’s LC zoning.

The “2035 Urban Growth Areas Map” identifies the site as being in the “Established Central Area.” The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and car sales. In the past the MAPC has considered the relatively small size of a site for car repair and car sales to be a neighborhood serving business and considered car sales associated with existing or past car repair businesses.

The locational criteria for commercial development states that it should be located at the intersection of arterial streets and along highways and commercial corridors. The site is adjacent to I-135, but has no access to I-135. If VAC2016-00004 is approved the site would abut the east side of the I-135 right of way. Access to the site can be provided through the applicant’s east abutting LC zoned auto repair business/indoor car sales, via Ash Street to the one way east bound arterial 1st Street and via Minnesota Avenue to the one way west arterial 2nd Street. The locational guidelines of the Comprehensive Plan also supports the expansion of existing uses to adjacent areas. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and allow outdoor car sales, which is currently allowed indoors.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the Established Central Area’s infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets.

RECOMMENDATION: In the past the MAPC has supported the expansion of established businesses after a case-by-case consideration. The proposed LC zoning would allow the expansion of the existing LC zoned auto repair and allow outdoor car sales to replace the current indoor car sales business. The applicant’s 10,000-sqaure foot building was built in 1988 making it perhaps the most recent development in the area. Based upon information available prior to the public hearings, planning staff recommends that the proposed LC zoning and Conditional Use for outdoor car sales be APPROVED, subject to the following conditions:

- (1) The Conditional Use permitted is the outdoor display and sale of automobiles and light trucks only, subject to the Supplemental Use Regulations UZC, Sec-D.3.6.x. No sale or rental of trailers, vehicles or trucks larger than pick-ups are permitted.
- (2) No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
- (3) No outdoor display of cars for sales or cars waiting for repair is allowed north of Lot 38, Block 1, Minneapolis Addition.
- (4) No outdoor storage of tires, parts, oil barrels or any other items used in car repair. All parked cars waiting for repair must be operable with current tags. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use.

- (5) Access onto and off of the site shall be off of Ash Street and the north most point of Minnesota Avenue. No delivery of cars shall be permitted off of Minnesota Avenue.
- (6) A six to eight foot tall solid wood fence shall be erected around the property where it is adjacent or abutting residential zoned properties.
- (7) All employee and customer parking and car sale display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public street right of way. The paving must be completed before the any vehicles are displayed or sold.
- (8) The site shall be in compliance with the UZC's parking standards for car sales and limited vehicle repair.
- (9) Outdoor lighting sources, including base or pedestal, pole and fixture, shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring Lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning Districts. No building lighting shall permitted on the north and east side of the building.
- (10) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
- (11) No repair work shall be conducted except in the enclosed building, and further provided that no body work or painting is done.
- (12) No portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted. No building signs are permitted on the north or east sides of the building. No signs on Minnesota Avenue or Ash Street
- (13) There shall be no use of elevated platforms for the display of vehicles.
- (14) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (15) Provide a revised site plan for approval by the Planning Director within 60 days of approval of the Conditional Use and zoned change or the case will be declared null and void. No car sales until the revised site plan is approved
- (16) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** An older B zoned residential neighborhood made up of single-family residences, a few duplexes, tri-plexes, and four-plexes (mostly built in the 1920s) are abutting and adjacent to the north, east, and northeast sides of the site. An older B zoned residential neighborhood made up of mostly single-family residences, scattered duplexes, tri-plexes, and four-plexes (built 1872-1940s) is located south of the site, across 1st Street. A portion of the applicants' property is the only LC zoning in the neighborhood. I-135 is located approximately 40-50 feet west of the site.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site's B zoning allows the current triplex development by right and ancillary parking by a Conditional Use, as well as any potential duplex, multi-family residential and some office development. The site is located within 40-50 feet of I-135, which makes residential development less attractive, as the traffic generated by the I-135 compromises the value of residential development. The LC zoned portion of the site is permitted for limited auto repair and the indoor display and sale of cars.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested LC zoning and Conditional Use allows for the expansion of the site's car sales and removes the restriction of the indoor display and sale of cars. The proposed Conditional Use is intended to minimize the negative impact on the older established residential neighborhood and possibly leave a negative visual impact of the community from I-135.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept Map of the "Comprehensive Plan" identifies the site as appropriate for "residential development." The site's residential development designation appears to confirm the site's and neighborhood's development mix of single-family residences, scattered duplexes, tri-plexes, and four-plexes. The Concept Map does not recognize the site's LC zoning. The requested LC zoning is not a match for the site's residential development designation, but does match the site's current LC zoning, which is what most of the site is zoned. The Map does show the area south of the site, across 1st Street, as appropriate for "new employment," which does match up with the site's LC zoning.

The "2035 Urban Growth Areas Map" identifies the site as being in the "Established Central Area." The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and car sales. In the past the MAPC has considered the relatively small size of a site for car repair and car sales to be a neighborhood serving business and considered car sales associated with existing or past car repair businesses.

The locational criteria for commercial development states that it should be located at the intersection of arterial streets and along highways and commercial corridors. The site is adjacent to I-135. If VAC2016-00004 is approved the site would abut the east side of the I-135 right of way. Access to the site can be provided through the applicant's east abutting LC zoned auto repair business, via Ash Street to the one way east arterial 1st Street and via Minnesota Avenue to

the one way west arterial 2nd Street. The locational guidelines of the Comprehensive Plan also supports the expansion of existing uses to adjacent areas. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and allow outdoor car sales, which are currently allowed indoors.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets.

- (5) **Impact of the proposed development on community facilities:** The expanded site will generate more traffic onto Ash Street and 1st Street. Paved parking on the site will require a drainage study.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, **MCKAY** seconded the motion, and it carried (10-0).

7. **Case No.: ZON2016-00018** - Adam Gray (owner/applicant) requests a City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

A tract in the Northeast Quarter of Section 22, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 30 feet South and 548.5 feet West of the Northeast corner of the South half of said Northeast Quarter; thence South 300 feet; thence West 217.5 feet; thence North 330 feet; thence East to the point of beginning, except that part taken for I-35 in Condemnation Case A-77195, and EXCEPT a tract in the Northeast Quarter of Section 22, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 1291.61 feet North and 574.80 feet West of the Southeast corner to the intersection of the Southerly right of way line of an existing public road and the Westerly right of way line of the existing highway thence South 01°02'46" East, 300.00 feet along said Westerly right of way to the North line of a tract of land described in a deed recorded in Deed Book 1438, Page 102 in the Register of Deeds Office, Sedgwick County, Kansas; SECOND COURSE, thence South 88°38'22" West, 33.62 feet along said North line; THIRD COURSE, thence North 01°02'08" West, 282.49 feet; FOURTH COURSE, thence North 43°36'02" West, 23.65 feet to said Southerly right of way line; FIFTH COURSE, thence North 88°38'22" East, 49.57 feet along said Southerly right of way line to the Point of Beginning.

TOGETHER WITH

A tract in the Northeast Quarter of Section 22, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 30 feet South and 621 feet West of the Northeast corner of the South Half of said Northeast Quarter; thence South 300 feet; thence West 145 feet; thence North 300 feet; thence East 145 feet to the point of beginning.

BACKGROUND: The applicant requests TF-3 Two-Family Residential (TF-3) zoning on a 1.16-acre unplatted parcel. Any future construction on the site will require platting. The site is developed with one single-family residence and detached garage on the north end of the site. The site has 300 feet of frontage along North Gilda Street and 145 feet of depth. The applicant intends to retain the existing single-family residence on the site leaving room for up to three separate lots with frontage on North Gilda Street for three duplexes. If the existing house on the site were removed, the application area meets the Unified Zoning Code (UZO) minimum dimensions and size for up to six duplexes in TF-3 zoning.

The surrounding neighborhood is primarily zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. A property two blocks north and one block west of this site was rezoned to TF-3 in 2006. Commercial zoning and uses exist within a few blocks of this site. Over a dozen pockets of TF-3 zoning exist within a half-mile of this location, the majority exist north of West Central and east of I-235. North of the site on North Gilda Street are SF-5 zoned single-family residences. South of the site is an SF-5 zoned single-family residence, an SF-5 zoned City public works substation facility permitted as a conditional use (CON2001-62) and a GC General Commercial (GC) zoned storage facility. East of the site is I-235, further east are TF-3 zoned duplexes. West of the site are SF-5 zoned single-family residences, the City substation facility, and a GC zoned self-storage facility.

CASE HISTORY: The site is unplatted. The existing house on the site was built in 1952. An additional single-family residence existed on the site but was removed with the widening/relocation of Gilda Street in conjunction with I-235 improvements.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5, GC	Single-family residence, public works substation, storage facility
EAST:	TF-3	I-235, duplexes
WEST:	SF-5, GC	Single-family residences, self-storage

PUBLIC SERVICES: North Gilda Street is a paved, two-lane local street at this location adjacent to I-235 right of way. Saint Louis Avenue is an unpaved, two-lane local street at this location. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is primarily zoned SF-5 and developed with single-family residences. A property two blocks north and one block west of this site rezoned to TF-3 in 2006. Commercial zoning and uses exist within a few blocks of this site. Over a dozen pockets of TF-3 zoning exist within a half-mile of this location, the majority exist north of West Central and east of I-235. North of the site on North Gilda Street are SF-5 zoned single-family residences. South of the site is an SF-5 zoned single-family residence, an SF-5 zoned City public works substation facility permitted as a conditional use (CON2001-62) and a GC zoned storage facility. East of the site is I-235, further east are TF-3 zoned duplexes. West of the site are SF-5 zoned single-family residences, the City substation facility, and a GC zoned self-storage facility.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and could be platted and developed with up to three additional single-family residences.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; duplexes and TF-3 zoning are common within the surrounding area.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.

- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure. Gilda is a paved street at this location with a paved route to arterial street and highway access.

JESS MCNEELY, Planning Staff presented the Staff Report. He reported that staff has received calls from surrounding neighbors asking what could be developed on the property. He said they were told up to three duplexes could be developed at the site.

FOSTER asked if it was three duplexes on the total parcel or three duplexes per parcel.

MCNEELY said the maximum would be six units or three duplexes total.

ADAM GRAY, 1927 NORTH EVERGREEN, PROPERTY OWNER/APPLICANT said he would be using the southernmost part of his property to build duplexes. He referred to two drawings maximizing the space per the building Code. He said it is not his intention to degrade or lessen the integrity of the neighborhood. He said if anything he would like to uplift the area a little bit especially considering the state the property was in when he purchased it. He said the front yard faces I-235 so it is not a desirable location for a homestead. He said; however, that it could be utilized for some type of housing. He said not tract housing but he would like the opportunity to the utilize space.

ELLISON asked if the home located at the site would remain long term.

GRAY said he has no intentions of taking the home down.

FOSTER asked about using the mature trees on the south property lines for buffering.

GRAY said he will keep every tree that he can. He said the mature trees is something that he admires about the property. He said they provide camouflage from the highway and keep the road noise down. He said he has not chosen a plan or blueprints but he will keep the location of the trees in mind when he develops the site.

TODD clarified that the applicant is planning on platting four lots.

GRAY said four lots is the maximum allowed by the Building Code.

ELLISON asked if the applicant owned the property to the south.

GRAY responded no.

ANTOINETTE FAULKNER AND LAURA FAULKNER, 428 NORTH EISENHOWER said they have owned the residential property adjacent to this property since 1970. She said they also own the house on the corner directly across from the applicant's house to the north at 5801 N. Gilda, a home at 440 N. Gilda and their residence 428 N. Eisenhower. She said she is a retired school teacher and has lived in the area since 1971. She said they expected the land to be as is for many years because it was not accessible because of the property taken for I-235. She said she is definitely opposed to the

proposed rezoning. She said she enjoys her neighbors and the trees are important because of the exhaust created by the bypass. She asked the Commission to consider that the area was in existence and could not be developed and she would like it to stay the same.

BARBARA J. FRY, 5800 WEST 3RD STREET said she owns the property south of the proposed development. She said she has lived there for 50 years and enjoys the quietness other than the bypass. She said her husband, who recently passed away, had a big garden and they would like to keep it like it is. She said she would appreciate it if the Commission did not change the zoning.

BEVERLY BRADFORD, 500 NORTH GILDA said she lives just north of the site. She said she has lived there for 31 years, since 1983 and raised four children who she sent off to college. She said there are big lots in the neighborhood but there are no multiple dwelling units around the neighborhood. She said there is no way the applicant can build on the property without tearing down trees which are a buffer to the highway and Mrs. Fry's home. She said there is not a lot of room for three duplexes. She said residents in the area bought these properties with the expectation that this would be single-family dwelling units only, not multiple family units. She said Mrs. Fry is virtually alone and this is going to be right up next to her. She asked where is the safety, security and peace in that. She said the neighborhood has always been safe, quiet, nice and peaceful and they would like it to stay that way. She said this is going to be her retirement home.

GRAY said through this process he was not wanting to create too much of an uproar or a ripple so he appreciates the neighborhood coming today and expressing their concerns so he knows where they are coming from. He said he would like the possibility of doing something at the location.

TODD asked the applicant if they would consider single-family residential zoning for the parcel instead of duplexes.

GRAY replied it is already zoned SF-5. He said the TF-3 zoning allows duplex and below.

VICE CHAIR DENNIS asked if the applicant would be willing to build SF-5 instead of duplexes.

GRAY said he would like to keep duplexes if possible.

RICHARDSON asked if the applicant would consider leaving the northern corner as SF-5 as a buffer to the residential zoning with duplex zoning on the undeveloped south portion of the property.

GRAY said he would be open to that compromise.

DIRECTOR MILLER said he believed the minimum lot size for a duplex is 6,000 square feet so the applicant would need a minimum lot size of 12,000 square feet on the south and 5,000 square feet on the north to accommodate the SF-5 zoning. He said he was not sure if there is that much area at the location.

MCNEELY said the lot is 145 feet in depth but it is the frontage on Gilda that will be the limiting factor. He said the drawing appears to show 110 feet north to south for dimensions to retain the single-family home and detached garage. He said it would appear that it would be the north 110 feet of the application area that would remain SF-5 zoning.

RICHARDSON asked if the applicant would have to replat the property.

MCNEELY responded that the property is unplatted and the applicant will be required to plat to pull building permits.

FOSTER commented that whenever the Commission considers TF-3 zoning he goes back to the discussion during development of the Comprehensive Plan about increasing the density in the City's core area. He said the difference on this application is there is a lot of land so that is the issue he is weighing on this one.

JOHNSON asked about the DAB vote.

MCNEELY said DAB will consider the application on June 6, 2016.

RICHARDSON suggested rezoning the south portion of the site to TF-3 and leaving the north 110 feet as SF-5. He said because of the interstate, he does not see developing the area as SF-5 as being marketable.

MOTION: To approve subject to staff recommendation and rezoning the south portion of the site to TF-3 and leaving the north 110 feet of the site as SF-5.

RICHARDSON moved, **DOOL** seconded the motion.

VICE CHAIR DENNIS said he was concerned that the proposed use doesn't fit into the neighborhood but he doesn't know how you can develop it any other way so he was going to vote for the motion.

TODD said he agreed with the compromise to promote infill housing.

MCKAY said he was not opposed to the motion but he thinks it needs to be more definite.

RICHARDSON asked if the Commission should limit the number of duplexes to be developed.

MCKAY suggested limiting the number of units instead of stating how the area can be used.

RICHARDSON, with permission of the second, **AMENDED THE MOTION** to say a maximum of six units.

FOSTER asked if the 110 foot dimension should be taken out of that or should they just say approximately.

MCNEELY reiterated that north to south the area is 110 feet.

ELLISON commented that he is always confused as to why the neighborhood thinks multi-family housing is a bad thing. He said nice housing could upgrade the neighborhood.

The **AMENDED MOTION** carried (9-1). **JOHNSON** – No.

8. **Case No.: CUP2016-00015** - Hawkins Marital Trust c/o Craig Kreiser (owner) and Baughman Company, P.A. c/o Russ Ewy (agent) request creation of a City commercial CUP Community Unit Plan on LC Limited Commercial zoned property described as:

A tract of land described as the North 600 feet of the West 600 feet of the Northwest ¼ of Section 4, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; EXCEPT for road rights of way.

BACKGROUND: The applicant requests creation of The Fossil Rim Commercial Community Unit Plan (CUP) DP-339 in existing LC Limited Commercial (LC) zoning. The 6.49-acre site is unplatted and undeveloped. The Wichita-Sedgwick County Unified Zoning Code (UZC) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the southeast corner of 29th Street North and North Tyler Road. North of the site, at the northeast corner of West 29th Street North and Tyler, is an LC zoned video store. North and east of the video store is an SF-5 Single-family Residential (SF-5) zoned neighborhood. South and east of the site is zoned SF-5 and developed with single-family residences. West of the site, across Tyler, is an LC zoned retail development and TF-3 Two-family Residential (TF-3) zoned duplex residences. The other LC zoned properties at this intersection are smaller (under six acres) and not under the development controls of a CUP or Protective Overlay (PO).

The proposed DP-340 is divided into four Parcels. The applicants propose all permitted uses in the LC zoning district with the following prohibitions: adult entertainment, sexually oriented business, correctional placement residences, nightclub in the city, and tavern/drinking establishment. Restaurants may serve liquor as long as food is the primary establishment service. Restaurants with drive-through windows, convenience stores, service stations and vehicle repair (limited) uses are not permitted within 170 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes will not align vehicle headlights to face residential zoning. A car wash is permitted in Parcel 1 as an accessory use to a convenience store, subject to the provisions of the UZC Section III-D.6(f). No overhead doors shall be allowed within 170 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited.

The proposed DP-340 includes the UZC required masonry wall where abutting residential lots. The CUP allows a combination of wrought-iron fencing, berms and landscaping to meet the screening requirement adjacent to Reserve A. Reserve A is adjacent to the existing Fossil Estates Addition Reserve F which serves as a stormwater detention and open space reserve. The CUP includes parking,

setback, signage, lighting, landscaping and screening standards that meet or exceed code requirements and restrictions. The proposed CUP includes standards for architectural consistency, cross-lot circulation, and pedestrian circulation connected to the sidewalks along arterial streets.

CASE HISTORY: The site is unplatted and undeveloped.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, SF-5	Retail commercial, single-family residential
SOUTH:	SF-5	Single-family residential
EAST:	SF-5	Single-family residential
WEST:	LC, TF-3	Retail commercial, two-family residential

PUBLIC SERVICES: West 29th Street North and North Tyler Road are both section line arterial streets at this location with 60-foot half-width right of way (ROW) adjacent to the application area, tapering to 75-foot half-width ROW at the intersection. Both streets have four lanes, a center turn lane at the intersection, and right-turn lanes at the intersection. The CUP proposes two full-movement access points on 29th and one full-movement access point on Tyler. This is a small CUP with limited frontage, these access points do not meet the City Access Management Regulations spacing requirements. In consulting with the City Traffic Engineer, Planning Staff recommends that the access points align with the access points to commercial developments across 29th Street North and Tyler Road. Access controls, turn lanes, decel lanes, a drainage plan and other improvements will be finalized during platting. Current traffic counts on this portion of West 29th Street North and Tyler Road are 7,631 and 12,388 vehicles per day respectively. The proposed CUP could have a total of 81,200 commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation per 1,000 square feet of shopping center space, this CUP could generate an additional 3,410 vehicles per day to this intersection. All utilities are available to the site, and the CUP indicates that all utilities will be placed underground.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limits. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "New Employment" which encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

RECOMMENDATION: As stated in the Public Services portion of this report, Planning and Traffic Engineering Staff recommend that access points to this CUP align with commercial access points across the arterial streets. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP and zone change be APPROVED, subject to the following conditions:

- A. CUP graphics and General Provision 8 shall be edited to require full movement openings on West 29th Street North and Tyler Road to align with the existing commercial full movement openings across West 29th Street North and Tyler Road.
- B. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site, at the northeast corner of 29th Street North and Tyler, is an LC zoned video store. North and east of the video store is an SF-5 zoned neighborhood. South and east of the site is zoned SF-5 and developed with single-family residences. West of the site, across Tyler, is an LC zoned retail development and TF-3 zoned duplex residences. The other LC zoned properties at this intersection are smaller (under six acres) and not under the development controls of a CUP or PO.
2. The suitability of the subject property for the uses to which it has been restricted: The 6.49-acre site is zoned LC. The Wichita-Sedgwick County Unified Zoning Code (UZC) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: LC zoning exists on the property. The requested CUP will further restrict land uses on the site and require specific development standards. Development on the site could impact nearby property with increased traffic, light, noise, trash and other impacts. The proposed CUP and existing development codes should mitigate those impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limits. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "New Employment" which encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

5. Impact of the proposed development on community facilities: The proposed CUP will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial intersections such as this location. Final access controls and improvements will be determined during platting. The staff recommended commercial drive alignment with adjacent commercial developments will mitigate conflicting turning movements and improve traffic safety in the area.

JESS MCNEELY, Planning Staff presented the Staff Report.

ELLISON commented that he is familiar with the area and that none of the restaurants have drive thru windows and he doesn't think that should be allowed in this neighborhood. He said this is a beautiful neighborhood with \$375,000 homes on the back of the property. He asked shouldn't the Commission limit what is developed on this corner to be consistent with the other two intersections. He suggested not allowing drive thru restaurants within 170 feet from residences.

MCNEELY commented it was the applicant's proposal and they have tried to mitigate drive thru windows to not within 170 feet of residences and insuring that the cuing lanes don't direct headlights towards the residential zoning. He said he believes the applicants want the flexibility of that type of development.

RICHARDSON referenced general provision #18. He asked if the 170 feet was from the property line.

MCNEELY responded yes.

RICHARDSON requested clarification that restaurants with drive-thru windows have been eliminated on parcels 3 and 4. He asked if that included the restaurant building itself, or any part of the operation.

MCNEELY said he believes some portions of each parcels 2, 3 and 4 can be used for restaurants. He said typically they look at the operation as the entire lot.

There was brief discussion concerning location of medians on Tyler Road and access points.

RUSS EWY, BAUGHMAN COMPANY, AGENT FOR THE APPLICANT, 315 SOUTH ELLIS said they are in agreement with staff comments. He commented that staff has recommended changes to the access points shown on the CUP but all permit those drives to be full access points. He said the northeast corner access would be median controlled or right in/right out only. He explained that this is a remnant piece of the county-wide checkerboard zoning from 60 years ago. He said this is one of the last cases of its nature where there is LC zoning on unplatted ground. He said there have been extensive internal discussions concerning options for developing the property including platting and what would trigger CUP requirements and down zoning a reserve to get below the 6 acre threshold. He said the client met with City staff to help determine their best course of action and they decided to file for establishment of a CUP. He said the thought rationale for the uses that were put in the CUP are underpinned by the idea that there is established zoning at the site. He said this is unlike commercial zoning they have done and referenced a similar situation which was Redmond where it was an exception

to a residential plat. He said this was excepted out of the platting otherwise the site would have been perfected ten years ago. He said there was some question regarding the prohibition of restaurants with drive thru service. He noted that the north/south dimension on parcel 2 is 170 feet which is where they got that figure, which also affects parcels 3 and 4 as well.

RICHARDSON clarified that the way he understood the CUP is that the only parcel that could have a drive thru was parcel 1.

EWY responded that is correct.

CHAIR DENNIS asked if the agent was through with his presentation because he didn't want to interrupt him and cut into his ten minute presentation time.

EWY said he was through with his comments and was open for questions. He referenced item A and asked the Planning Commission for a combination of the old CUP language and to "kick the can down the road until platting" as the appropriate time to determine access controls. He said staff did a great job of expressing why they need to put that condition in now since platting is not a standard requirement. He requested that item A also add the language alternatively that access can be established through the plat as well since they plan on platting within a year. He said they are asking for the flexibility.

ELLISON asked if the berm on the southern end of the property will be left or removed.

EWY said that is undecided. He said he spoke with one property owner from Lot 1. He said it is understood that she and two other property owners spent the time and money to build a 2 ½ - 3 foot berm with landscaping. He said the berm is built on parcel 2 of the applicant's property to a depth of about 45 feet. He said they were questioning what was going to happen to the berm if they build a wall per code to the standard five foot wall easement. He said the best he could offer the property owner was that the applicant would work with her when parcel 2 was developed. He said it benefits everyone for the berm to stay in place until parcel 2 is developed. He said although it does not impact the client's immediate short term goals for the property, as parcel 2 is developed, there will have to be coordination. He said at the least the property owner requested that they be contacted prior to any construction so they can hire a company to come and remove the trees. He said they have no intention of incorporating the berm into any type of landscape buffer.

ALEXIS HOPKINS, REPRESENTING FOSSIL RIM, HOA, 8433 WEST MEADOW PARK

COURT said homes begin at \$350,000 and go up from there so they are very concerned about what is going to go into their backyard. She mentioned another berm left by the developer that protects them from the lights of the video store which is like a beacon to the north. She referenced a handout in the anteroom which references the policies and charges of the Planning Commission. She mentioned item #1 – zoning, uses and character of the neighborhood; #3 – the extent to which removal of the restrictions will detrimentally affect nearby property; and #4 – the relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant.

HOPKINS said the character of the neighborhood is high end residential. She said Maize South High School is located north on Tyler Road less than a mile away. She noted that Tyler Road is only a 4-lane road right there at the intersection. She commented that the Staff Report states that this commercial development will increase traffic at the intersection by approximately 3,500 cars per day in what is essentially a 2-lane road from 21st Street until just before the intersection. She admitted that there was some LC development in the area but it was very low key -- a party store, nail salon and family video. She said she does not believe the applicant is creating the CUP to benefit the neighborhood because they are including a convenience store and a car wash which scares the heck out of them because that is a 24-hour operation which will not only increase the traffic during the day but at night also. She said it would increase lights, sound, traffic and trucks. She said when the homeowners all built in Fossil Rim they were promised that this area was going to be developed as a strip mall or a medical facility. She said never were the words fast food restaurant, drive thru, car wash or convenience store used. She said a property just south of this that is a beautiful home that is not overpriced has been for sale for over a year and the realtors tell them the reason it hasn't sold is all potential buyers are concerned about what is going to be developed on the corner. She said this development will have an adverse effect on their property values; the safety of all the children from Maize High School and the kids and families commuting on a 2-lane road south. She added that the applicant/agent is not limiting themselves to just the two egress points that they are asking for today. She said they are not opposed to LC development at the location, they just asked that the Commission consider what type it will be respectful of the neighbors who are paying nice property tax amounts.

ELLISON commented that he and his wife looked at the house she mentioned and the minute his wife saw the activity on the corner, it went cold fast. He said he agreed with the speaker that it was a nice home but the location was a problem.

RICHARDSON clarified that the developer chose not to include this lot in the HOA. He commented that this has been zoned LC ever since it came into the County.

DIRECTOR MILLER said if this was part of the checkerboard zoning it would have been in 1958.

RICHARDSON suggested that the developer wasn't completely up front with the property owners in Fossil Rim. He said the LC zoning on the four corners was done long before the residential development in the area. He said it precedes the residential development which is part of the Planning Commission's dilemma.

DAILEY asked staff if the area was under six acres, what's to keep the applicant from doing what they want to do anyway.

MCNEELY responded if the area was less than six acres, a CUP would not be required. He said the CUP actually creates additional restrictions and design guidelines above and beyond what the UZC requires. He said the matter would not even be discussed; the applicant would be able to plat and develop with no restrictions as to where anything could be.

DAILEY commented so the neighborhood could be worse off than what is being proposed.

Staff agreed with the comment.

FLOYD TOLMAN, 2945 NORTH PEPPER RIDGE COURT said when he bought his property he asked questions because he knew light commercial zoning was located west of him. He said he asked what was going in there and was told it would be some type of office development either doctor or lawyers. He said he specifically asked if it would be developed as a convenience store and was told no. He said just because property changes hands people shouldn't be allowed to make statements to buyers and that not be upheld. He said a convenience store will mean light pollution, noise pollution, people pumping gas and kids meeting their friends all happening after midnight. He said the Commission is in charge of protecting the neighbors because the developer won't.

DAILEY commented that this could be developed without a hearing if it was under six acres. He said the neighbors were misinformed.

TOLMAN commented that he was lied to.

RICHARDSON asked the speaker so the only solution for the neighbors would be an office complex.

TOLMAN responded said no the only solution was something that is not open twenty-four hours a day. He said something open twenty-four hours a day was inappropriate in a residential area.

ANDREA WAGGONER, 8610 WEST MEADOW PARK which she said is located directly south of the proposed development. She said there are two others schools within walking distance of the location and added that she has three children, two of which walk to school and she is concerned about their safety. She said her children have to cross 29th Street to get to the sidewalk. She said she is concerned about the increased traffic (3,410 vehicles per day) that this CUP will generate. She said what this development will bring into this area for all these families is disconcerting to her. She also mentioned the decrease in property values.

CAROL MOLZ, 8716 WEST MEADOW PARK which she said is the first house off of Tyler Road. She said this is a beautiful addition and she echoes all of her neighbor's concerns about the proposed development. She said a five-foot wall is not going to protect the half a million dollar homes and she feels like they deserve better than a five-foot concrete fence. She said she realizes her berm is on the applicant's property and that she did that intentionally when she built the house because there was so much standing water back there and mosquitoes, so she had the berm put in to protect her. She said she would like to keep the berm but she understands that it is not on her property. She mentioned the existing trees on the berm and said she hoped the builders take them into consideration. She also asked that they take into consideration the people who live out there. She said it is a shame if they don't.

EWY he said they are not talking about establishing a different set of land uses here. He said it is zoned Limited Commercial regulated or Limited Commercial regulated with some additional restrictions through a Community Unit Plan. He said the client filed the CUP with the understanding that they would open this discussion. He said this is a standard CUP and once again compared it to the Redmond CUP located at Central and Pawnee that backs up to established homes in the Turkey Creek Addition. He said they believe the protections being offered to the neighborhood are fair regardless of the price of the homes. He said this CUP is very reasonable and tries to account for some of the site features and insure that there are adequate buffers. He concluded by mentioning once again that this zoning pattern

was established well before any of the residential development. He said they are not trying to put in access points wherever they want but they would like the flexibility to work with City staff to put access points in the best places possible for the City, traveling public as well as their clients.

RICHARDSON asked if the applicant would agree to an eight foot wall as opposed to a 6-8 foot wall.

EWY said the berm is of undetermined height and the example he gave the neighbor he spoke with is if the berm was three feet, they could simply cut it out on the client's side, wall that up and add a retention wall that would be 6-8 feet on the client's side and 3-5 feet on the neighbor's side. He said with the additional restrictions they placed on parcel 2 and 4 they do not see the need to go to an eight foot wall. He said they did at Turkey Creek and it is the will of the Commission to make that determination but they are comfortable with the conditions they set forth in the application.

JOHNSON clarified that with the current zoning, the applicant can build a restaurant with a drive up window and a convenience store.

EWY said in his opinion, the current zoning would allow a restaurant with a drive up window and a convenience store with a 6-8 foot fence.

JOHNSON asked so what is the applicant getting out of this deal.

EWY referred to staff and said there is a disagreement as to whether or not the CUP was needed under the UZC. He said staff, legal staff and his client met approximately two months ago and City staff determined that six acres is six acres regardless of when the Code came into effect so the applicant had to do a CUP as a condition of the plat. He asked Planning Staff if they wanted to clarify that explanation.

DIRECTOR MILLER explained that the wording on any CUP states "when the initial approval was granted." He said as far as these 1958 checkerboard sites are concerned, even though they were zoned LC, if they are over six acres they need to have a CUP in order to be compliant with the UZC. He said there was quite a debate over the interpretation. He said City Staff determined that the location would be dealt with as similar locations of this nature had been in the past. He said the applicant has all the LC uses on the site by right. He said the CUP clarifies additional standards on the site in terms of the height of the screening wall, the usual lighting requirements and setbacks, etc. He said because the zoning is already in place, the uses cannot be modified except for what the applicant has volunteered.

JOHNSON asked how many acres was the site.

EWY replied 6.4 acres gross and 5.32 acres net without the reserve.

There was brief discussion concerning the location of the reserve.

ELLISON asked about the applicant running a berm all along the property to help protect the neighbors. He also asked about the intentions of the previous owner/developer. He added that he was confused why the developer couldn't work with the neighbors.

EWY said he did not know what the previous client's plan was for the area. He said they have another property owner now who is taking the correct steps to work with the neighbors to provide better protection than was originally established under the previous developer.

MCKAY asked about increasing the wall easements to 10-12 feet and building a six-foot wall and growth plantings. He said the applicant would have to build a twenty-five foot berm to do what the neighbors want done. He commented that he doesn't have much sympathy for someone who builds a berm and plants trees on someone else's property.

EWY said he doesn't think they will have a problem adding additional area that will restrict development. He mentioned the mature hedge on the northeast quadrant. He said they could protect that with a landscape buffer. He said they need the five foot wall easement, even if they offset it from the property line. He said they can't co-mingle landscape buffers and wall easements.

MCKAY asked about the possibility of a 10-12 foot easement in addition to the 5 foot easement for plant materials. He said it has been done before and they will just have to give up a little bit more land that they can't build on anyway.

EWY said they don't see a problem with that and will be more than happy to work with the staff to provide a 5 foot wall buffer and landscaping within that buffer per Code.

DOOL clarified that as he understands this, if the applicant were to give up a little over an acre of the property, they can do anything allowed under LC zoning by right.

DIRECTOR MILLER said no because according to the interpretation it was the size of the site "at the time of approval."

EWY commented that the other part of that was 6 acres of LC development which they do not have so it would meet the definition of unified development. He said it will be 5.3 acres of LC development at the time they plat the property.

DIRECTOR MILLER explained that at the time the zoning was approved it was over 6 acres under unified development.

FOSTER asked about service stations and if they would be "full-service."

Staff replied yes, typically.

FOSTER said this is a unique neighborhood because it is insulated. He mentioned a case at 21st Street and Oliver where a convenience store was proposed at the corner that was also a unique neighborhood. He mentioned major commercial improvements approved at the southeast corner of Maize and Ridge Road and further up Tyler Road. He said this location does not need a convenience store, car wash and service station. He said he was prepared to make a motion and allow further discussion.

FOSTER moved to approve per staff comments and the following refinements: allow the applicant to figure out access controls at the time of platting; strike convenience store with car wash and service station from Provision #18; to increase the landscape requirement where the property abuts residential zoning on the south and northeast to one and one-half times the Landscape Ordinance requirement; and to increase the easement on the northeast and south to 15 feet.

DIRECTOR MILLER said the Commission does not have the ability to eliminate uses allowed by right in LC zoning because the zoning is already in place. He specifically mentioned convenience stores, service stations and car washes.

FOSTER asked about sexual oriented businesses and other uses that were restricted.

DIRECTOR MILLER explained that the applicant volunteered those restrictions.

VICE CHAIR DENNIS asked Commissioner Foster if he wanted to make the motion with the other three items.

FOSTER replied that it would not accomplish what needs to be accomplished so he said he would withdrew the motion.

MOTION: To approve subject to staff recommendation and allow the applicant to figure out access controls at the time of platting; to increase the landscape requirement where the property abuts residential zoning on the south and northeast to one and one-half times the Landscape Ordinance requirement; and to increase the easement on the northeast and south to 15 feet to allow for the increased landscape buffer.

MCKAY moved, **DOOL** seconded the motion, and it carried (7-3). **ELLISON, FOSTER** and **JOHNSON** – No.

NON-PUBLIC HEARING ITEMS

9. **Case No.: DER2016-00003** - Set a Public Hearing Date for review of the Final Draft Wichita, Parks, Recreation and Open Space Plan Update 2016 as an element of the Community Investments Plan 2015-2035

Background: In December 2006, the Wichita City Council formally initiated work on the development of the Wichita Parks, Recreation and Open Space Plan (PROS) to serve as a guide for the development, provision, maintenance, and funding of park, recreation and open space resources for the City of Wichita. This new plan will replace the 1996 Park and Open Space Master Plan for the City of Wichita.

On November 20, 2008, the Metropolitan Area Planning Commission held a public hearing and passed a motion adopting the 2008 Wichita Parks, Recreation and Open Space Plan as an element of the Wichita-Sedgwick County Comprehensive Plan, replacing the 1996 Park and Open Space Master Plan. The new 2008 Wichita PROS Plan was adopted as an element of the Wichita-Sedgwick County Comprehensive Plan by the Sedgwick County Board of Commissioners on December 17, 2008, and by the Wichita City Council on January 6, 2009.

Unfortunately, the 2008 Wichita PROS Plan was negatively impacted by the economic downturn that commenced in early 2009. Since its adoption, the PROS Plan has only been partially implemented. During the development of the new Community Investments Plan, the need to update the 2008 Wichita PROS Plan became evident. To that end, the Arts, Culture and Recreation Element of the Community Investments Plan contains the following Strategy:

- A. *Review and update the Wichita Parks, Recreation and Open Space Plan to ensure that future planned parks/open space and recreation facility investments (capital, maintenance, operations) strategically integrate with County regional parks and open space investments, and remain consistent with our community priorities and willingness to pay.*

Over the last six months, Wichita Park and Recreation staff members have been working on an update to the 2008 Wichita PROS Plan. Their work has been supplemented with community feedback, and some technical support from the consultants who had been hired to prepare the original Plan.

On May 5, 2016, the Park and Recreation Department provided the Advance Plans Committee of the MAPC with a presentation on the changes contained in the proposed Wichita PROS Plan Update 2016. Major changes and modifications contained in the Wichita PROS Plan Update 2016 are listed below:

- The Plan reflects a more pragmatic and realistic approach and is centered around 10 new/revised goals;
- The Plan is fully coordinated and consistent with other current, relevant City plans including the recently adopted Community Investments Plan;
- The Plan focuses on improving connections and linkages, preserving existing resources, and promoting community-based recreation that utilizes recreation centers and specialized centers. Emphasis is also placed on building multi-sector service delivery based on the utilization of public/private partnerships.
- Renewed emphasis is placed on the advocacy role of the Wichita Parks Foundation in the areas of fund-raising, lobbying, and soliciting donations to fund future capital improvements.

The Advance Plans Committee recommended to Park and Recreation staff that the Wichita PROS Plan Update 2016 be modified to include policy direction related to the following two items:

- Importance of finding corporate underwriters or donors who will fund the development and operation of the City parks, recreation and open space facilities recommended in the Plan.
- Emphasis on supporting the use of gray water to irrigate city parks, open space areas and golf courses where economically feasible

The Advance Plans Committee subsequently passed a motion at its May 5th meeting recommending that the MAPC adopt the Wichita PROS Plan Update 2016, amended to include the policy changes recommended by the Advanced Plans Committee, as an element of the Community Investments Plan 2015-2035.

The final draft Wichita PROS Plan Update 2016 currently under consideration by the MAPC has been revised to reflect and incorporate the policy changes recommended by the Advance Plans Committee on May 5th. The revised final draft Plan was presented to the Wichita Board of Park Commissioners on May 9, 2016 and was unanimously approved by the Board at that time. The final draft Wichita PROS Plan Update 2016 will be presented to the members of the Wichita City Council for their information and feedback at a workshop session scheduled for May 24, 2106.

Recommended Action: Set a public hearing date for June 16, 2016 to consider the proposed adoption of the *Wichita Parks, Recreation and Open Space Plan Update 2016* as an element of the *Wichita-Sedgwick County Community Investments Plan 2015-2035*.

Attachments:

1. Final Draft *Wichita Parks, Recreation and Open Space Plan Update 2016*

DAVE BARBER, Planning Staff presented the Staff Report.

DAILEY asked staff how many hours they spent reviewing the plan. He also asked if there was County representation on the committee. He also asked why this Plan wasn't completed before the Comprehensive Plan was completed.

BARBER said staff spent approximately a day and a half reviewing the Plan. He said he had several meetings with Park staff and the Advance Plans Committee to get feedback on the Plan. He said County representation included Commissioners John Todd and Joe Johnson of the Advance Plans Committee and that was the extent of Planning Commission involvement. He explained that this was the City of Wichita PROS Plan; however, he added that it had implications for the County as it anticipates growth of the City system into the unincorporated areas of the County over the next 10-20 years.

BARBER explained that the PROS Plan was one of many elements of the Comprehensive Plan which included a number of neighborhood and area plans. He said it was not critical that this Plan update occur concurrent to or prior to the new Community Investment Plan.

KNEBEL added that there is a strategy in the Comprehensive Plan that this PROS Plan update should occur.

DAILEY clarified that the PROS Plan would be presented to both the City Council and County Commission.

BARBER replied that was correct.

MCKAY clarified that this was not new, it was an update to an already approved Plan that was part of the Comprehensive Plan.

MATT TOWNSEND, MANAGEMENT ANALYST, PARK AND RECREATION

DEPARTMENT briefly reviewed a slide presentation. He commented that they have solicited community feedback during development of the Plan. He said the Plan has been revised to make it more reflective of the current situation in the City. He said he cannot say exactly how much time staff has been spent over the last six months, but it has been considerable including weekends. He said feedback was received from stakeholder groups, the Board of Park Commissioners and other user groups through surveys.

TOWNSEND said staff wanted to insure that the PROS Plan was in alignment with the Community Investment Plan, Downtown Master Plan, the Arkansas River Corridor Access Plan and the Bicycle and Pedestrian Master Plan. He said the five planning guiding principles of the Plan were:

- Support an Innovative, Vibrant and Diverse Economy;
- Invest in the Quality of Our Community Life;
- Take Better Care of What We Already Have;
- Make Strategic, Value-added Investment Decisions;
- Provide for Balanced Growth but with Added Focus on Our Established Neighborhoods.

TOWNSEND said they also wanted to emphasize physical connections within the community such as trails, pathways and things of that nature that provide connections not only in Wichita but the broader metropolitan area as well. He said they would like to see more coordination with Transit and WAMPO to insure they are operating in conjunction with each other. He also mentioned coordination with other City Departments, Sedgwick County and the region. He said they also want to emphasize parks and open spaces and the recreation and leisure opportunities that are offered through the Park Department.

TOWNSEND briefly reviewed Plan Goals to include:

- Goal 1: Provide safe and accessible parks, open spaces, recreation facilities and programs that help create healthy residents and a healthy community.
- Goal 2: Preserve and enhance our unique natural and cultural resources.
- Goal 3: Provide facilities that focus on user needs and desires, offer amenities that are appealing to the site specific community, and the facilities have participant safety as the top priority.
- Goal 4: Provide Community based education and leisure programs that are oriented for all ages, abilities and are not cost prohibitive.
- Goal 5: Preserve resources through sound management and best practices to create a legacy for future generations.
- Goal 6: Provide trails that connect community destinations, support alternatives to automobile transportation, and encourage active transportation.
- Goal 7: Support life-long human development by providing recreation and learning opportunities.
- Goal 8: Foster community ownership, encourage community participation, and promote volunteerism.
- Goal 9: Build partnerships and sponsorships in order to leverage resources and work cooperatively toward our vision.
- Goal 10: Provide golf facilities that are accessible and meet the needs of all generations, promoting active, healthy residents throughout the community.

TOWNSEND referred to a map depicting parks and park land, river access and trails. He said the trail map will be updated before final submission. He referred to a map of future projected growth areas outside of Wichita. He commented that one of the focuses of the Plan is building partnerships. He mentioned the Park Board, Wichita Parks Foundation and also other providers within the City such as the YMCA, non-profits and other private recreational outlets and clubs. He said they do not want to duplicate services and by being good coordinators with the other recreation providers they can fill the niche market that is the City's. He mentioned the Great Plains Nature, the Ice Center and Botanica as good examples of the specialized centers the City offers.

TOWNSEND briefly reviewed the Wichita Parks Foundation which is a 501 (c) 3 established in 2011 that helps support the Park and Recreation Department by providing additional necessary resources. Its mission is to enhance the quality and maintain the heritage of Wichita's park system by assembling necessary resources through developing partnerships and fostering relationships in the community. He said this is achieved through:

- Fundraising
- Lobbying
- Soliciting donations
- Advocating on behalf of the Department
- Encouraging sponsorship of programs, events or sites

TOWNSEND briefly reviewed steps to improving Wichita parks including: reinvestment in existing parks; a public park within a reasonable distance for residents; develop parks to meet specific standards; coordinate park locations with other public facilities and acquire sites in the 2035 Growth Area. He reviewed steps to improving park maintenance as follows: rethink park maintenance priorities; invest in sites, fleet, staff; allocate more resources to building and park maintenance and reviewing the current 2015-2024 CIP Budget which included putting approximately \$400,000 into park facilities annually. He said options for increasing capital development funding could come from maintaining current sources, but possible new sources could include:

- Increase park portion of City debt financing (CIP)
- General or targeted special assessments
- Tax Increment Financing (TIF) funding improvements
- Dedicated general tax
 - Sales tax
 - Property tax

TOWNSEND said they are staying with the original seven pathway connection priorities developed in 2008 including Delano Neighborhood; K-96 Pathway to Harry Street Pathway; Arkansas to Haysville; South Central Neighborhood; Redbud Trail; Redbud Trail Segment – K-96 to county line; Prairie Sunset Trail Connection to Goddard.

TOWNSEND briefly reviewed the Arkansas River Corridor Access Plan (ARCAP) stating that it was a multi-jurisdictional plan with partners from a 3-county area Explored improved access to Arkansas River; Lincoln Street safe boat passage; Gander Mountain boat dock; Other canoe launch areas, such as Garvey Park, South Arkansas Greenway, Cowtown; future Derby River Park and future safe boat passage at the 21st Street Dam.

TOWNSEND reviewed existing and planned dog parks; existing park expansion and future development of Crystal Prairie Lake Park which is being dredged to create lake features for swimming, fishing, boating and other water recreation activities to create a regional attraction.

TOWNSEND commented that in review of the Plan they took into account changing economic needs and increasing importance of maintaining existing infrastructure which continues to be an issue; quality of life amenities for younger generations and national trends are included; continue to be good stewards of park resources; redevelopment and revitalization of the downtown corridor district; and the importance of trails and connectivity and creating more special events.

FOSTER asked about proposed future parks in relationship to HOA requests for amenities.

TOWNSEND said they like to emphasize public park access because amenities in HOA's are restricted by covenant to those user groups and homeowners. He mentioned that people will travel some distance for certain amenities specifically citing children's playgrounds.

MILLER STEVENS mentioned the emphasis on connectivity and bicycle/pedestrian trails and paths. She said many accidents are caused by lack of education of the general public. She said she thinks the Park Department does an excellent job of community education. She asked if the Park Department will continue to take on that responsibility or is that something the Bicycle and Pedestrian Advisory Board will be taking on.

TROY HOUTMAN, DIRECTOR, PARK AND RECREATION DEPARTMENT said bicycle education is not the role of the Park Department, particularly street bicycling. He said they do provide flyers and partner with Bike/Walk Wichita to provide information. He said the Department's focus is on trails that are off main streets located in parks and connect parks. He said that is where they would like to do expansion.

TODD asked if the locations of any of the proposed parks are within areas of influence of any of the small cities.

TOWNSEND said not at present. He said the sites are all within the City of Wichita 2035 Growth area. He said the Park and Recreation Department provides services to the City of Wichita.

RICHARDSON mentioned priorities for City pathway connection and specifically the Redbud Trail. He provided various details about the path and infrastructure and asked why it was not at a higher priority. He said it is an unused resource that is readily available that people are using today.

TOWNSEND said he did not have an answer to that offhand but he could research that and get back to Commissioner Richardson with an answer. He commented that people are using a lot of trails that are unimproved.

MOTION: To set a public hearing date for June 16, 2016 to consider the proposed adoption of the Wichita Parks, Recreation and Open Space Plan Update 2016 as an element of the Wichita-Sedgwick County Community Investment Plan 2015-2035.

JOHNSON moved, **MCKAY** seconded the motion, and it carried (8-0).

The Metropolitan Area Planning Commission adjourned at 4:38 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, W. Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2016.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)